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THE HISTORY

OF THE

NORMAN CONQUEST OF ENGLAND,

ITS CAUSES AND ITS RESULTS.

BY

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VOLUME V.

THE EFFECTS OF THE NORMAN CONQUEST.

ἀπωλόμεθ' ἂν εἰ μὴ ἀπωλόμεθα.
Plutarch, *Themistoklés*, 29.

TT. e. 28.

Oxford:
AT THE CLARENDON PRESS.
M.DCCC.LXXVI.

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PREFACE.

I HAVE at last completed this work. The nature of this fifth volume has caused it to take a far longer time in its composition than any of those that have gone before it. My plan demanded that I should now deal in a single chapter with a time half as long again as the time to which I had before given three volumes. But the shorter amount of space certainly does not represent a smaller amount of work. It will be at once seen that, in the narrative part of this volume, even in the fuller accounts of William Rufus, Henry the First, and Stephen, I do not profess to tell the tale in full, as I have done with the reigns of Eadward, Harold, and William the Conqueror. As the subject of this volume is the Effects of the Norman Conquest, I have written the history of those reigns from that special point of view. My object has been to enlarge on everything that throws light on the effects of the Conquest, especially on everything that throws light on the relations between Normans and English in England. Other matters I have cut comparatively short.

I had, as I have said in a note to the twenty-fourth Chapter, already written the twenty-third Chapter when the first volume of Professor Stubbs'

Constitutional History appeared. I had therefore the invaluable assistance of that work during the composition of all the rest of this volume, and during the revision of the earlier Chapters. The second volume has been available only for the last Chapter and for parts of the Appendix. The appearance of the Professor's book, the greatest monument of English historical scholarship, relieved me from the hardest part of my task. Much that I had meant to say, much that it had never occurred to me to say, I found said already as no man but the master of English history could have said it. I thus found that, in a great part of the twenty-fourth Chapter, I had really nothing to do but to act as commentator to Professor Stubbs' text, and to bring out into special prominence whatever bore more directly on my own immediate subject. I was thus able to give more attention to subjects like language and architecture which entered but very slightly into the Professor's scheme. But I greatly regret that mere physical necessity has driven me to leave out or to cut short many points which I had meant to treat in the Appendix, and even to strike out a good deal that I had actually written. In choosing what to keep and what to cast aside, I have been guided by the rule which I gave before. I have made everything else give way to the full treatment of all that bore on the relations between Normans and English.

In the Chapter on language I would ask such of my readers as may be finished philologers to look at it, if they can, from the point of view of one with whom political history is a primary study, and philology one studied only as it illustrates the political

history. No man can study political history worthily without learning a good deal about language; no man can study language worthily without learning a good deal about political history. Still the man with whom a subject is primary and the man with whom it is secondary look at it in quite different ways. With me the study of language is part of the study of history. A treatment of language which would be very inadequate for the purpose of a professed philologer may be all that is needed for my purpose. I only hope that professed philologers will find that what I have ventured to say on their subject is accurate as far as it goes.

In the architectural Chapter I have been dealing with a subject which has been a favourite one of mine all my life, and which I have always tried to set in its true light as a branch of the study of history. I do not wonder that many are tempted to look with contempt on architectural research, when it is carried on, as it often is, as a mere matter of dull detail, without any animating principle. Many of our architectural inquirers have carried on their researches in ignorance of the first laws of historical criticism and of the most obvious facts in the history of the world. But deal worthily with the history of architecture, and it is worthy to take its place alongside of the history of law and of language. I have here tried to challenge for it that position, and I shall be well pleased either if I can persuade those who are versed in the legal or the linguistic side of my period to look at the architectural side along with them, or if I can persuade more immediate students of architecture that their studies

are vain without something more than a superficial knowledge of the history of the times when buildings were raised and of the men who raised them.

With regard to one main subject of this volume, the great record of Domesday, I trust that I have done something to set forth its boundless importance in the history of the time, and indeed in the history of times both before and since. For myself the Survey has a fascination which cannot be put into words. Nowhere else do we seem brought so near to the time as in its small notices of endless men, English and Norman, known and unknown. But when I look at Domesday itself, I feel how many there are among the subjects opened by it which I have not touched at all, and how imperfectly I have dealt with the subjects which I have touched. The stores of knowledge in Domesday are boundless; but their thorough investigation must be kept for a critical edition of the Survey itself. Such an edition cannot be the sole work of any one man, because no one man can have the needful local knowledge in all parts of England. It must be the work of many men working in concert in their several districts. But it would need one guiding and superintending mind, and that the mind of a historian of the highest order.

When I look at the work of more than ten years, now completed, with a few omissions, according to its original design, I may say that, allowing for improvements in detail which are always suggesting themselves, I am satisfied with the three central volumes as a record of the reigns which are dealt with in them. But this present volume, and also

the first, I look on as in some sort provisional. Many periods, many points, contained in them, I should be well pleased, if life and strength are granted me, to work out in further detail. To fill up those two volumes, so as to tell the whole story of England from the landing of Hengest to the Great Charter, is what may hardly be thought of by one who is no longer young and who has much other work before him. But some parts of it may not be beyond my power. I at least trust that I may be able, in some shape or other, to deal more fully than I could do in this volume with the important reign of William Rufus, a time than which none is richer alike in picturesque incident, in illustrations of personal character, and in a constitutional importance which is none the less weighty because it lies in a manner behind the scenes.

But, even should I never carry out this or any other scheme, I venture to hope that, writing as I have done, far from either the advantages or the distractions of a capital or an University, writing in my own home among my own books, I have yet been able to do somewhat for the truth of history. I would even believe that what I have written may have gained something by being written in the heart of the realm of Ine and Ælfred, on soil where every step calls up some memory of the great struggle which made Britain England. The Teutonic settlement in this island becomes more of a living thing to one who finds that the boundary of the land which Ceawlin won from the Briton abides, after thirteen hundred years, the boundary of his own parish and his own

fields. At all events, in bringing my work to an end, I can say in all honesty that I have laboured for truth, that I have never wilfully kept back any scrap of evidence, whether telling for or against my own conclusions, that I have given every reader of mine the means of coming, if he thinks good, to conclusions different from my own.

The Index to the whole five volumes, according to the first edition, will appear as soon as a work which involves some labour can be got through. A large part of it is already done.

SOMERLEAZE, WELLS,
March 24th, 1876.

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CHAPTER XXIV.

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ADDITIONS AND CORRECTIONS.

p. 23, l. 4, for "during William's first visit" read "after William's first return."

p. 26, note 3. This extract is not quite correct. The "Anglicus" who held the land at the time of the Survey was a different person from the "liber homo" who commended himself to Geoffrey. See p. 886.

p. 54, note, for "Ralph of Diss" it is safer to keep the Latin form "de Diceto." I am not clear what place is meant.

p. 91, margin, for "French disputes" read "fresh disputes."

p. 94, note 2. See p. 820.

p. 108, margin, for "of Cynan" read "ap Cynan."

p. 117. The Introduction to the Pipe-Rolls of Cumberland, Westmoreland, and Durham, published by the Society of Antiquaries of Newcastle-upon-Tyne (Newcastle, 1847), contains a good sketch of the history of Cumberland, avoiding the usual errors.

p. 118, note 2, *dele* "who is not copied by Simeon." I was misled by the omission of the passage in Mr. Hinde's edition.

p. 120, *dele* note 3 for the same reason.

p. 123, l. 17, for "by either" read "either by."

p. 124, margin, for "several" read "general."

p. 124, l. 7. Compare the complaints of Lactantius, or whoever was the writer of the treatise De Mortibus Persecutorum, against the architectural works of Diocletian, c. 7.

p. 138, note, for "ecclesia" read "ecclesiæ."

p. 139, l. 8, for "position" read possession."

p. 181, note, for "leger" read "léger."

p. 207, margin, for "William of Clito" read "William Clito."

p. 208, l. 8, for "a kingly office" read "the kingly office."

p. 243, note. Yet the "Normannorum rabiosæ proditiones" may be taken of doings of Normans in Normandy. It was there that opposition to Stephen began. See p. 275.

p. 245, l. 15. On the share of London in the election of Stephen, see Mr. J. R. Green, Old London, 261.

p. 250, l. 13. For a third side of Earl Robert's character, see Walter Map, De Nugis Curialium.

p. 266, note, for "arms" read "arm."

p. 267, heading, for "OF" read "TO."

p. 281, note 3. See Note W., p. 827.

p. 288, note 5, for "locum" read "boum."

p. 291, note 4, for "brozt" read "broȝt," and for "zut" read "ȝut."

p. 293, note 2, for "progeniam" read "progeniem."

p. 303, heading, for "EARLS" read "CHURLS."

p. 314, note 3, for "infranduit" read "infrenduit."

p. 317, note 1, for "desertationem" read "decertationem."

p. 343, l. 5, for "descent from" read "kindred with."

p. 351, l. 2, for "same kind" read "same in kind."

p. 379, l. 11 from bottom. The phrase of the Chronicler quoted in p. 134, note 1, has an evident reference to the relief as practised in the days of Rufus. The ancient heriot in no way made the lord the heir of his man; the relief in some sort did.

p. 382, margin, for "sovereign tenant" read "sovereign's tenant."

p. 412, note 1. We get the phrase "de consilio sapientum" as late as 1291, when Edward the First is asserting his rights over Scotland. Annales Regni Scotiæ, Rishanger, 240.

p. 421, l. 9. This was written and printed before the last strange device of paid peers was heard of.

p. 426, l. 11, for "help determine" read "help to determine."

p. 427, note 1, for "quamlibet" read "quemlibet."

p. 428, note 2, for "Rechsinstitute" read "Rechtsinstitute."

p. 456, note 2, for "284" read "ii. 84."

p. 460, l. 9 from bottom. In some parts of England the word "lordship" is commonly used for "manor," and, as an English word, I have often used it by preference; but it is rather an English translation of "manor" than "manor" a French translation of it.

p. 469, l. 9 from bottom. See J. R. Green, Old London, 278.

p. 481, l. 5, for "is a difficulty" read "are difficulties."

p. 485, l. 12, for "relationship" read "relation."

p. 503, l. 11. This process must also have been made easier through the practice of laymen farming tithes, which appears as early as Domesday, p. 304. At Ottingham in Yorkshire, "ibi ecclesia et presbyter est; quidam miles locat eam et reddit x. solidos."

p. 520, l. 13 from bottom. I should not have said "William Rufus *builds* the Tower." See vol. iii. p. 355, iv. pp. 19, 369, and p. 643 of this volume. What Rufus built was a wall round the Tower, "þone weall þe hi worhton unbutan þone Tūr."

p. 527, note 2, for "Welshmen" read "Welshman."

p. 531, l. 14, for "Leicester" read "Leirchestre."

p. 557, note 1. The expression here is singular. It sounds as if legal fictions went so far that land held by Harold was held to be "in dominio regis [Willelmi]."

p. 583, l. 8, for "goodly" read "godly."

p. 621, l. 2 from bottom, for "ornaments" read "ornament."

p. 624, note, for "belonged" read "belong."

p. 638, l. 1. I have referred to Sitten in a earlier page; but I ought to have more distinctly mentioned the very Primitive—in all but the square shape

of the tower, the very Irish—character, of the little church of All Saints on the slope of Valeria.

p. 640, margin, for "forms" read "form."

p. 641, margin, for "relation" read "retention."

p. 668, margin, for "individually" read "indirectly."

p. 670, note 4. Gospatric the son of Orm often appears in the Cumberland Pipe-Rolls. See below, p. 896.

p. 674, note 1, for "superstitione" read "superstitio."

p. 683, l. 5, for "liabilities" read "liability."

p. 685, note 1, for "fera" read "fere."

p. 698, l. 5 from bottom, for "gave" read "give."

p. 730, note. He is also "Edwardus Tertius" in several places of the Annales Angliæ et Scotiæ in the Rishanger volume, 371 et seqq.

p. 734, l. 7. In Giraldus de Instructione Principum, 167, it is "Rotulus Wintoniæ."

p. 738, l. 9 from bottom. Cf. the case of challenging the jurors at p. 875.

p. 739, l. 14, for "to" read "with."

p. 740, l. 12 from bottom, for "phases" read "phrases."

p. 746, l. 18. On Earnwine, see p. 24.

p. 756, l. 6, for "regia" read "regis."

p. 758, l. 14 from bottom, for "Capras" read "Capra."

p. 766, l. 2 from bottom, for "to" read "from."

p. 771, l. 15, read "Eo quod Bondi tenuerit. Willelmi vero antecessor tenuit, Radulfus de Limesi."

p. 781, l. 16 from bottom, *dele* "E."

p. 808, l. 20. There is no distinct mention of Berkeley castle itself in Domesday, though there is of a smaller castle within the vast lordship of Berkeley. "In Nesse [Sharpness?] sunt v. hidæ pertinentes ad Berchelai, quas W. comes misit extra ad faciendum unum *castellulum*. Habet Rogerus [de Berchelai]."

p. 811, l. 22, for "vicecomite" read "vicecomitis."

p. 819, l. 15, for "at" read "of."

p. 821, l. 8, for "Gestyn" read "Jestyn."

p. 823, l. 5, for "to have been" read "not to have been."

p. 854, Note CC. There is nothing to alter in this account of the Flemings in Pembrokeshire; but there is some reason to think that they were not absolutely the first Teutonic settlers in the district. Though Tenby is not (see p. 575) a Danish *by*, there are some Scandinavian names in the district, not merely the names of the islands, but on the mainland. This was pointed out by the Bishop of Saint David's at the Caermarthen meeting of the Cambrian Archæological Association in 1875. And he added that two at least, Hasgard and Freystrop, would hardly fail to have been given by heathen settlers. If any such Scandinavian settlements had lasted down to the time of Henry the First, the ground would have been thereby in a manner prepared for his more systematic Teutonic colonization.

p. 855, l. 10 from bottom, for "barbaria" read "barbarie."

p. 860, l. 18, for "equo" read "æquo."

p. 860, l. 7 from bottom. The position of this writer reminds one of that of Thietmar of Merseburg at an earlier time. See vol. i. pp. 382, 384.

p. 885, Note SS. I ought here to have mentioned some of the cases in which a man does not commend himself, but is commended by somebody else (cf. the case of the kingdom in vol. iii. p. 13). See p. 812 for the man who was commended to an English reeve to be fed and clothed. Here the advantage was on the side of the person commended; in another case (Domesday, 163), where the commendation is to a Norman reeve, the advantage seems to be the other way. Of two brothers at Cromhall in Gloucestershire who "cum terra sua se poterant vertere quo volebant," it is said, "Hos W. comes [William Fitz-Osbern] commendavit præpositè de Berchelai, ut eorum haberet servitium, sicut dicit Rogerus [de Berchelai]."

p. 889, Note WW. I omitted to say anything about the English writs spoken of in p. 529. It should be noticed that English is often used, even when the persons addressed are Normans. There is one belonging to the Chapter of Wells addressed by the Conqueror to William of Curcelles (Roger of Curcelles was a great land-owner in Somerset; see Domesday, p. 93). The Christ Church writs in the Monasticon, i. 111, referred to by Professor Stubbs (Const. Hist. i. 443), are one of the Conqueror, one of Henry the First, and one of Henry the Second. The first two are on behalf of Lanfranc and Anselm severally. That of Henry the Second is accompanied by a Latin form which alone has the names of the witnesses, among whom are Thomas the Chancellor and Henry of Essex, which fixes it to the first years of his reign. In the Latin Henry gives himself his full titles, as Duke of Normandy and Aquitaine and Count of Anjou, but in the English he is simply "þurh Godes gefu Ænglelandes king." Here too the three times of lawful rule are clearly marked out. The Archbishop and his monks are to have all rights which they had "en Edwardes kinges dæge, and on Willelmes kinges mines furþur ealdefader, and on Henrices kinges mines ealdefader."

p. 896, l. 10. Or it might be parallel to William Leuric in p. 894.

THE HISTORY

OF THE

NORMAN CONQUEST OF ENGLAND.

CHAPTER XXII.

DOMESDAY.[1]

AMONG the sources from which we draw our knowledge of the times which form the subject of the present History, there are two which stand alone. England, alone among Western nations, alone among nations of either Romance or Teutonic speech, can point to an unbroken history of seven hundred years of the national being recorded in the living speech of the land. We alone can read, in our own tongue in which we were born, the tale both of our lasting conquests and of our momentary overthrow. We can read how we ourselves settled among strangers whom we drove out from the land in which we now dwell, and how conquerors came to settle among us who were but our disguised kinsmen. The English Chronicle stands alone among the sources of history, holding a place among the written remains of Teutonic prose second only to the Bible of Ulfilas. And, side by side with this precious relic of our own tongue and nation, we may place the hardly less precious fruit of the wisdom of our Conqueror. If the English Chronicle stands alone, Domesday Book stands alone also. No other land can show such a picture of a nation at one of the great turning-points of its history. For the great Survey is in truth a picture of

Two unique sources of English history.

The Chronicles.

Domesday.

Its unique value.

[1] The authority for this Chapter is the Survey itself, on which see more in Appendix A.

CHAP. XXII. the nation, and nothing less. It is a picture of the nation all the more because there certainly was no intention of making it one. There is no need to depreciate the Survey and its author by speaking of it as a mere vulgar instrument of extortion.[1] No doubt fiscal motives entered largely into the counsels of William when he sought to know how this land was set and by what men.[2] I have already said that there is an evident connexion between the making of the Survey and the great Danegeld which had been laid on two years before, when Cnut of Denmark was threatening invasion.[3] One great object throughout the Survey clearly is to see that the tax was paid, and also that it was fairly paid. The reports which are made show at once a wish to hinder the King from being defrauded of his right, and a wish to hinder the subject from being made to pay more than his fair proportion of the general tax. The payment or non-payment of the *geld* is a matter which appears in every page of the Survey; and it is perhaps not too much to say that the formal immediate cause of taking the Survey was to secure its full and fair assessment. But, as the Survey

Its objects fiscal, but not wholly fiscal.

Its connexion with the Danegeld of 1083.

[1] Thierry (ii. 91) begins his account of Domesday by describing, seemingly from the false Ingulf, William and his Normans as mutually charging one another with avarice and injustice. He then goes on; "Afin d'asseoir sur une base fixe ses demandes de contributions ou de services d'argent, pour parler le language du siècle, Guillaume fit faire une grande enquête territoriale, et dresser un registre universel de toutes les mutations de propriété opérées en Angleterre par la conquête." And presently, "Ce travail, dans lequel des historiens modernes ont cru voir la marque du génie administratif, fut le simple resultat de la position speciale du roi normand comme chef d'une armée conquérante, et de la necessité d'établir un ordre quelconque dans le chaos de la conquête." He goes on to compare the Domesday of Greece made by the Latin conquerors in the thirteenth century, most likely in imitation of William. I do not know that there is in all this any direct misstatement of facts, but the whole is coloured in Thierry's usual fashion.

[2] See the extract from the Chronicles in vol. iv. p. 691.

[3] See vol. iv. pp. 685, 691, and vol. ii. p. 574. I shall have to speak of this Danegeld again. See also Appendix A.

has other uses, so also it had other purposes. Domesday might be primarily a rate-book; but it was, even in its own age, meant to be something more than a mere rate-book. For William's objects it was needful to know, not only the taxable wealth of the country, but its military strength. After so many confiscations and grants and transfers of land of all kinds, it was needful to know by whom the land was at last really held and by what right each actual owner held it. It must not be forgotten that the doctrine which the dreams of lawyers have tried to raise into an eternal truth, the doctrine that all land is held by a grant of the Crown, was in William's days a doctrine at once true and practical. Every man, French or English, in William's kingdom, save only the official holders of ecclesiastical property, held his land as a direct personal gift of the reigning King.[1] William might well think it part of his kingly duty to find out whether his will had really been carried out in all cases, whether every man, French or English, was in actual possession of the estates which the King had designed for him. Such an inquiry might in many cases be of real political importance. William wished to reward his followers; but he did not wish so to reward them as to make them dangerous to his own power. It became him to know exactly what the possessions were which he had granted to Earl Hugh or Earl Roger. Nor less did it become him to know whether smaller grantees of either nation had ever been kept out of their lawful holdings by the wrong-doing of men in power or of the agents of men in power. All these things it was both the duty and the interest of William to search out. And in such a mind as his we may surely suppose the existence of views still more enlarged. Domesday is the first known statistical document of modern Europe; it

CHAP. XXII.

Other objects of the Survey.

Its military objects.

Need of an inquiry into the King's grants of land.

Domesday the beginning of

[1] See vol. iv. p. 23, and Appendix A.

CHAP. XXII. modern statistics.

was the first survey of the kind which had been made since the days of the elder Roman Empire. Modern science may perhaps smile at its rudeness and imperfection. In a wider view both of history and of human nature, we shall rather be inclined to admire its success, and to wonder that so much information of so many kinds could have been got together in a first attempt. And surely we may believe that, in commanding such a survey of his kingdom to be drawn up, William had at least some glimmerings of the many purposes for which such surveys have been found useful. We need not credit William, we need not credit any modern Government, with carrying on such inquiries out of a zeal either purely benevolent or purely scientific. But we may believe that William could see in some measure, what experience enables a modern Government to see more clearly, that the general business of the country, whether legislative, administrative, or fiscal, can be better carried on if the rulers have a thorough knowledge of the land and the people over whom they are called to rule. In William's case his kingdom really was a vast estate, parcelled out among holders who were strictly his own grantees and tenants. Of such an estate it was as obvious a piece of prudence to draw up a gigantic terrier as it was to draw up the smaller terrier of a smaller estate. One great object doubtless was to know the extent and value of the estate. But William, we may be sure, was clear-sighted enough to remember that, if he was a landlord, he was not a mere landlord but a King.

William's probable views.

Domesday the terrier of William's estate.

Domesday the picture of England at the turning-point of its history.

As an historical monument, the value of the Domesday Survey cannot be overrated. I have already given, in earlier chapters of this History, many incidental instances of the light which it throws upon every branch of inquiry which can present itself to a student of these times. It is a map and a picture of England at a moment of which a

map and a picture is unusually precious. As I said at the beginning, the Norman Conquest is the great turning-point of English history. Domesday gives us the map and picture of England at the exact moment of that turning-point. It was drawn up immediately after a great revolution, and it was specially designed to show the exact amount of change which that revolution had wrought. It sets things before us as they stood in the days of King William; but it also takes care to set them before us as they had stood in the days of King Eadward. And, in setting things before us as they stood in the days of King William, it sets them before us as they stood at the moment when the causes of change had already been introduced, but when those causes had not as yet had any great time to work. The England which is mapped and pictured in Domesday is an England which already has a foreign King, and in which all the highest offices and greatest estates have already passed into the hands of foreigners. But it is an England in which the laws, the offices, the classes of society, still stand in outward form as they had stood before foreigners had made their way into England. The outward framework of law and government still keeps its ancient shape; but events have taken place, and the Survey contains the record of those events, by which that framework was to be gradually and silently, but inevitably, modified. Domesday, which tells us by whom every scrap of land was held in the later days of William, and also by whom it had been held in the days of Eadward, is, above all things, a record of the great Confiscation. And the great Confiscation, alike in what it was and what it was not, in its peculiar character as a transfer of English lands to strangers, but, a transfer made according to the outward forms of English law, was, above all things, that which made the effects of the Norman Conquest neither

CHAP. XXII.

Its references to the days of Eadward.

Amount of change witnessed by Domesday.

Domesday a record of William's confiscations.

CHAP. XXII. more nor less than what they were.[1] As the record of the settlement — the outwardly legal settlement — of William and his followers in the conquered country, the great Survey contains within it the essence of all earlier and all later English history.

For our present purpose then we shall look at Domesday as the record of the immediate result of William's Conquest, the record of the settlement of himself and his followers in the land, and of the confiscation and grant of all the temporal lands of England to grantees, mainly to foreign grantees, of the foreign King. It is a terrier of a gigantic manor, setting out the lands held in demesne by the lord and the lands held by his tenants under him. This one great object of the Survey is kept steadily in sight throughout. Whatever else the record contains, it always contains the name of the holder at the time when the Survey was made, and the name of the holder in the days of King Eadward, or, according to another phrase, "on the day when King Eadward was alive and dead."[2]

Formulæ of the entries.

Different stages of the Survey.

There is indeed a wide difference in the character of the Survey in different parts of the kingdom, and there is no doubt that we have the Survey itself in two different stages of its progress. The Survey seems to have been first made in very great detail, and then, in some cases at least, to have been abridged by leaving out entries which were held to be of only temporary value. In the greater part of the kingdom we have the Survey only in its second and shorter form. But in the eastern shires we have the earlier and fuller form only, while in the western shires both are preserved.[3] But at both these stages it would seem that great scope was given for varieties

Its fuller and its more abridged form.

[1] See vol. iv. p. 54.

[2] On this and other notes of time in Domesday, see Appendix B.

[3] On the two volumes of the Exchequer Domesday, the Exeter Domesday, and the Inquisitio Eliensis, see Appendix A.

of treatment, according to the personal tastes or fancies of the officials employed in different districts. It is plain that, though certain questions were necessarily to be asked and answered in every case, yet no very uniform scheme or scale was insisted on. The Commissioners employed in some districts seem to have been satisfied with setting down the necessary information, the names and figures absolutely required, in the driest shape possible. Others were of a more lively and curious turn, and they seem to have gladly seized the opportunity of setting down every story that they could hear about the present or former inhabitants of the district. It was the duty of the Commissioners to report by what right every man, French or English, held his land, and specially to report whenever any man, French or English, held any land wrongfully to the damage either of the King or of a fellow-subject.[1] It is manifest that in the course of these inquiries a vast amount of personal history, and even of personal gossip, would be brought to the knowledge of the Commissioners; and in some districts they, happily for us, have preserved a large part of what thus came to their knowledge. No more precious source of information can be conceived. It is really wonderful how full and vivid a picture we can thus get of the local and personal life of some districts. I have already spoken of Berkshire as one of the districts for which the materials of this kind are fullest, and I took that shire as a kind of typical example of the working of the great Confiscation. Essex and the two East-Anglian shires, for which we have only the fuller form of the Survey, are also specially rich in this way, and it is from the record of this part of England, from the notices thus casually and carelessly thrown out, that I have been able to draw some most important pieces of knowledge for the main

CHAP. XXII.

Difference between the Survey of different districts.

Incidental details preserved.

Character of the East-Anglian shires in the Second Volume;

[1] On the "Occupationes" and "Invasiones" recorded in Domesday, see Appendix C.

CHAP. XXII. purposes of this History.[1] But the earlier and fuller record of the Western shires is far from being equally attractive with its Eastern fellow. The Exeter Domesday, the fuller record of the Survey of the Western shires, is much richer in mere statistics than the abridged form, but it contains hardly anything more of personal detail. The like may be said of Yorkshire, where page after page is full of the driest names and figures without a glimmer of human life.[2] The lands north of Yorkshire, the patrimony of Saint Cuthberht and Northumberland in the narrower sense, are, as is well known, left out altogether. The lack of personal detail in these three districts is specially to be lamented, as there are no parts of England of whose inhabitants we should be well pleased to learn everything than of the lands which sent forth the men who fought at Exeter and Montacute, at York and Durham. On the other hand, there are other districts which are specially rich in incidental information of various kinds. Thus the Survey in Cambridgeshire and Huntingdonshire is specially valuable for the details which it preserves as to tenures and other legal points.[3] That of Worcestershire too is full of notices of various kinds, more particularly as to the state of the great ecclesiastical foundations of that shire.[4] And Worcestershire and Cambridgeshire alike set before us in a lively shape that constant subject of complaint, both before and after the Conquest, the wrongdoings of the King's officers.[5] And it is no more than justice to say that the Survey seems on the whole to have been made in a spirit of thorough fairness. The

of the Western Survey in the Exeter Domesday;

of Yorkshire and the North.

Cambridgeshire and Huntingdonshire.

Worcestershire.

General fairness of the Commissioners.

[1] See vol. iv. pp. 32–47.

[2] This however is partly because both in Yorkshire and Lincolnshire the "Clamores" are put together at the end. But, even allowing for this, the Yorkshire Domesday is very dull compared with that of Berkshire.

[3] For examples of these, see Appendix A.

[4] On the state of Worcestershire under William, see Appendix D.

[5] See vol. iv. pp. 174, 223.

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Commissioners do not seem to have been respecters of persons. The wrong-doings done by—often perhaps only in the name of—the highest persons in the land and those nearest to the King are impartially recorded alongside of the like wrong-doings of smaller men.[1] In one case we even find King William himself reported among those who held lands which ought to be in the possession of others.[2] Nor do these reports of wrong-doing show any inclination on the part of the Commissioners to misrepresent matters in favour of Normans or to the prejudice of Englishmen. They of course assume the received law of the Conquest, that the land of every man, French or English, was a gift from William. But there is no sign of any endeavour to make out a case for one class of William's grantees against another. If there is a disposition to unfairness anywhere to be seen, it takes the form of warring against the dead. I have marked more than once what struck me as a disposition to make the worst of any recorded action of Harold,[3] and I think that I may say the same of the Berkshire Godric also.[4]

Seeming prejudice against Harold and Godric the Sheriff.

This last feature brings us at once to those legal fictions of William's reign of which I have already said somewhat, and of which Domesday is the great store-house.[5] It would be a curious and instructive process if we could see what notion of the Conquest of England would be formed by a man who should get his knowledge from the great Survey only. He would learn from the very first page that King William came into England from some foreign country. And, as the burning of Dover is spoken of in a

Legal fictions of Domesday.

History of the Conquest as gathered from the Survey.

[1] See Appendix C.

[2] Domesday, 208. The jurors of the town of Huntingdon bear witness of certain lands there, "Dicunt se audisse quod Rex W. *debuerit* eam dare Wallevo."

[3] See vol. ii. p. 548. [4] See vol. iv. pp. 36, 728. [5] See vol. iv. p. 8.

CHAP. XXII. way which directly connects it with the King's first coming,[1] he might infer, though not very positively, that his coming had met with some armed opposition. He might be strengthened in this belief by finding at least one Englishman spoken of as having been engaged in naval warfare against King William.[2] He might, or he might not, be tempted to connect with these facts the references on which he would occasionally light to a battle near York and a battle near Hastings.[3] He would incidentally learn that a man named Harold had been engaged and had died in one or other of these battles.[4] But he would not find any direct mention of this Harold as having borne arms against King William. He would find a King Eadward mentioned in every page in a way implying that he was the immediate predecessor of King William. The "time of King Eadward" would be found constantly compared with the "time of King William." The "day on which King Eadward was alive and dead" would be remarked as the other great point of time constantly referred to alongside of the time "when King William came into England." The grant or confirmation of one or other of these Kings would seem to be assumed as the only legal evidence of the legal possession of land. The idea that William was other than the immediate successor of Eadward, the idea that any opposition was made to William's succession, or that any long interval passed between Eadward's death and William's coming, might possibly be suggested by such incidental entries as those of which I have already spoken. It might even, to a very suspicious mind, be suggested by the special care with which the legal phraseology was chosen. But it would never be suggested to any mind by the legal phraseology itself.

Notices of opposition to William.

Notices of Harold and Eadward.

Notes of time.

William assumed as the successor of Eadward.

[1] See vol. iii. p. 538.
[2] See vol. iii. p. 716.
[3] See vol. iii. pp. 716, 730-731.
[4] See vol. iii. p. 731.

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Harold not distinctly noticed as his opponent.

The reader could not fail to remark that Harold, seemingly the same Harold who had fought near York and died near Hastings, had evidently been a man of great account in the days of King Eadward, that he held the rank of Earl, and that his landed property, spread over every shire of southern England and reaching even as far north as Yorkshire, was of vast extent. A very minute observer might, as I have already hinted, possibly detect, even in the dry entries of the Survey, a certain disposition to represent Harold as a wrong-doer. It might strike him that the entries which set forth Harold as holding lands wrongfully are made systematically and, if we may so speak of a formal and unimpassioned legal document, with a certain kind of satisfaction.[1] He might hence infer that Harold's memory was not in good odour with King William, and, coupling this fact with some of the other entries, he might perhaps go on to guess that the battles which Harold is said to have fought were battles fought against King William.

Notices of the reign of Harold.

But that Harold had ever been King or Tyrant, that he had usurped William's Crown, or that he had been a competitor with William for the Crown, no one would ever find out from the ordinary language of the Survey. Still the reader might be led to suspect something of the kind when he found, from a single entry, that, after the "time of Eadward," there had been a "time of Harold."[2] His suspicions would be strengthened when he lighted on two entries which stand quite by themselves, and which use language quite unknown to any other part of the record. I mean the passages, which I have quoted elsewhere,[3] which distinctly admit the fact that Harold had reigned, though one of them describes him as reigning by usurpation.

Such a reader of Domesday might further be struck by

[1] See vol. ii. pp. 548, 549.

[2] See Appendix B.

[3] See vol. iii. p. 630.

CHAP. XXII. various appearances with regard to the disposal of property. He would easily see that, since the day on which King Eadward was alive and dead, changes had been wrought which were greater than could be accounted for by the ordinary workings of inheritance, bequest, and sale during a period of twenty years. He might be struck with the vast number of cases in which the earlier holder was clearly not succeeded by his son or other kinsman. He might remark that this is specially common in the case of great estates, while the small holdings are much more commonly held by the owner of Eadward's days or by his natural heirs. He might also remark several cases in which the former owner of a great estate appears in the Survey only as the owner of one much smaller, and that sometimes in a different part of the country.[1] He could hardly fail to remark that the names of the persons holding in the time of King Eadward are, in the vast majority of cases, English or Danish, while the names of the new-comers are very largely French or Norman, and, in the case of the largest class of estates, all but wholly so. He would also remark that the amount of land held by foreign churches and monasteries, small in the time of Eadward, had grown to considerable importance under the reign of William. And he would also remark it as strange that, in a Survey of the land of England taken by order of a King of England, Englishmen should be spoken of as a distinct class, and in a kind of way which might imply that they were looked on as an inferior class.[2] All these signs taken together might lead him to suspect that some great and unusual revolution with regard to landed property had taken place since King William came into England. He might suspect that changes had taken place greater than could be accounted for by the ordinary processes of peaceful

Notices of the confiscation and transfer of lands.

Notices of Norman and English owners.

Englishmen spoken of as a distinct class.

[1] See vol. ii. p. 483.

[2] On the use of the words "Franci" and "Angli," see Appendix E.

times, greater than could be accounted for by the few cases of outlawry and confiscation which are actually recorded in Domesday itself.[1] But, as far as the ordinary language of the record goes, he could not get beyond guesses of this kind. He might remark a particular case when an Englishman is said to have bought his own land of King William,[2] but he would not be prepared to light in a purely incidental way on an entry implying that there was a moment when the English landowners, as a body, redeemed their lands of the King.[3] CHAP. XXII. The redemption of lands.

Enough then peeps out in the way of incidental notices to give to a careful student of Domesday, even if he never looked at any other record or chronicle, a general notion of the real state of the case. By putting this and that together, he might conjecture that Harold took the Crown after the death of Eadward, and that he was killed in a battle against William near Hastings. He might also infer with more certainty that a great many Englishmen, especially those who were highest in rank and wealth, had lost their lands under William, and that the lands so lost by Englishmen had been for the most part granted out to strangers. All this a careful observer might learn from the incidental notices in the Survey. And I need not add that incidental notices of the same kind give also a vast deal of information touching other points in the history which do not immediately bear on the nature of William's entry. But it is from the incidental notices only that he would ever learn the true nature of that entry. The ordinary legal language of the Survey assumes that William was the regular successor of Eadward. It simply puts out of sight the facts that Harold reigned or that any opposition of any kind was made to the accession of William. General inferences from the language of Domesday. The reign of Harold legally ignored.

[1] See vol. iii. pp. 717, 753; Domesday, 62 *b*.

[2] See vol. iv. p. 732.

[3] See vol. iv. p. 25.

CHAP. XXII. Notes of time.

Among these legal fictions of Domesday not the least curious are those which relate to the marking of time. The two great notes of time, as I have already said, are the "time of King Eadward" and the "time when King William came into England." But the compilers of the Survey had sometimes to speak of days which did not come under either of those heads. They had sometimes to speak of days before the time of King Eadward, and sometimes too to speak of a time which, however unpleasant to dwell on, could not wholly be put out of memory, the time between the day when King Eadward was alive and dead and the day when King William came into England. First of all, for any man, French or English, to make out a rightful claim to lands he had to show a grant from William. But moreover, when land had changed owners, the new grantee commonly stepped into the exact position of one or more *antecessores* or former owners in the days of Eadward. It was therefore also needful for the owner to show by whom the land had been held under Eadward and by what tenure. On these two requirements all Domesday is founded. The only exception is in the case of ecclesiastical bodies, where, as there had been no forfeiture, no regrant was needed, and where a grant of Eadward or of an earlier King was good as a grant of William.[1] The reign of Eadward and the reign of William were thus established as the two great periods of legal government, and, except in the rare cases where notice had to be taken of days earlier than the days of Eadward, it was needful, in order to establish the lawfulness of any grant or transfer of land, to show that it had been done during one or other of those periods of the reign of law. The reign of Harold was a time of usurpation, and all acts done by his authority were void. Yet it was sometimes needful to refer to such acts and

Evasive mention of Harold's reign.

The reigns of Eadward and of William the two lawful times.

[1] See vol. iv. p. 27.

to the time in which they were done. The authors of the record were thus driven to many curious shifts in order to stamp all such acts with illegality, and that, as far as possible, without any direct mention of the usurped authority by which they were done. We thus find a number of strange ways of expressing the reign of Harold, in most of which Harold's name is not brought in at all.[1] In dealing with any time between the death of Eadward and the coming of William, the most usual, though not the invariable, way is to say that the event recorded happened "after the death of King Eadward." This rule is commonly carried out with such manifest care that we can hardly doubt that the two or three cases where Harold is mentioned are due to simple heedlessness.[2]

CHAP. XXII. Circumlocutions for Harold's reign.

The same spirit of legal fiction which shows itself in the marking of time in Domesday shows itself no less in the way in which the facts of the great confiscation are dealt with. As the reader is left to infer from the merest incidental notices that William was a foreign invader, so it is from notices equally incidental that he is left to infer that any general transfer of lands from men of one nation to another had taken place. The confiscation, the great result of the Conquest, is as quietly passed by in the Survey as is the Conquest itself. The lawfulness of every transfer of land made by William's authority is of course taken for granted; that most of those transfers were made from Englishmen to strangers was an accident with which the language of the law did not concern itself. The present and the former owners are entered in the Survey, and it is but seldom that there is anything to show that the new owners had not come in quite peacefully, by bequest, purchase, or regular hereditary succession. We commonly find little beyond the statement that such a man held the land at the time of the Survey, and that such another man had

Legal fictions as to the Confiscation.

Its lawfulness assumed.

[1] See Appendix B.

[2] See above, p. 13, and Appendix B.

CHAP. XXII. held it in the time of King Eadward. There are only a few instances in which we hear anything of confiscations, outlawries, and the like. The technical word *antecessor*[1] is in itself perfectly colourless. In the great mass of the cases where it is found in Domesday, it means a dispossessed Englishman; but it means a dispossessed Englishman simply because the owner who had gone before the actual owner commonly was a dispossessed Englishman. The word is equally used to express a Norman predecessor of a Norman, or an English predecessor of an Englishman. It is applied no less to the predecessors in office of an ecclesiastical dignitary, and we have seen it elsewhere, though not in the great Survey, applied both to the predecessors of William on the throne of England and to the predecessors of Hildebrand in the chair of Peter.[2] The word is a purely colourless legal term; still its constant use under the peculiar circumstances of the Survey is practically an euphemism, and it in some sort makes the Survey itself one vast euphemism from beginning to end. The places which speak of the *antecessor* and of the rights derived from him to the present owner are endless, and they are specially common in the fuller accounts given in the second volume. Some bit of curious information may be gleaned from almost every entry of the kind; but it is only from the constant mention of the *antecessor*, and from the rare mention of the present owner's father, that we could be led to guess that the *antecessor* was commonly a person who had been dispossessed of his lands by a foreign conqueror. In some cases the euphemistic spirit goes so far, and the doctrine according to which the new grantee stepped into the exact rights of his predecessor is carried so far, that the Norman owner is spoken of as the "heir" of the Englishman who had been turned out of his lands to make way for him. It is especially curious to see this

Mention of the *antecessor*.

Euphemistic use of the word.

The Norman grantee the "heir" of his English *antecessor*.

[1] See vol. iv. p. 37, and Appendix L. [2] See vol. iv. p. 433.

formula made use of in case of those leases which were so often granted and sold by ecclesiastical bodies, most commonly for the term of three lives.[1] Both before and after the Conquest, it was often hard for the bishoprick or abbey to get back the lands of which it had thus parted with the temporary possession.[2] A Norman grantee who entered upon the lands of an Englishman was not always inclined to respect the reversionary rights of the Church. But, as by the law of the Conquest the grantee stepped into the exact position of his *ancestor*, the right of the Church to resume possession remained exactly the same as if the tenant had never forfeited his life-estate in the land. The Norman stepped into his place as the second or third life in the grant; in the language of the Survey he is the "second" or "third heir," exactly as if the temporary ownership had passed on by natural succession from father to son.[3]

CHAP. XXII. Cases of Church leases.

In most of these cases the effect of the legal fiction was to glose matters over and to put a legal colour upon transactions which were really violent. In one class of cases the effect of legal fiction was the other way. The formulæ employed suggest violence, when all that is meant is to mark a particular transaction as illegal. Forms are still used in modern legal language by which it seems to be taken for granted that any man who occupies, or even retains, property without a strict legal right, occupies or retains it by dint of force and arms.[4] These forms of speech are as old as Domesday; and it must be carefully borne in mind that they are only forms of speech. When we read that a man, French or English, held lands by force, it may happen that in that particular case the words are to be

Use of the formula *vi* or *per vim.*

[1] On these leases by ecclesiastical bodies, see Appendix G.

[2] On the use of the word *Heres*, see Appendix F. [3] See Appendix L, G.

[4] A grotesque case was when Archbishop Sancroft went on holding the manor-house (vulgarly called the palace) at Lambeth after his deprivation, and when, in the legal proceedings against him, he was said to have entered it "by force and arms."

CHAP. XXII. taken literally and that the entry was made by actual violence. But the words themselves imply nothing more than that the Domesday Commissioners looked on his possession as illegal.[1]

The Survey a record of the Confiscation.

From these legal fictions and euphemisms by which the nature and the details of the great confiscation are veiled in the great Survey, we may turn to the consideration of the Survey itself, looked on as, what it really is more than anything else, a record of that confiscation. Of the general principle on which that confiscation went, and of the way in which it was carried out, I have already said something in my last volume.[2] The same spirit of legal fiction runs through everything. The doctrine on which the whole treatment of land throughout William's reign was founded, the doctrine that the whole soil of England, with the needful exceptions, was forfeited to the Crown, was itself a legal fiction on a gigantic scale. We have seen that there was a time, shortly after William's coronation, when all the English land-owners within William's obedience went through the ceremony of buying back their lands from the King.[3] This buying back of lands implies that the lands were, if not in actual fact yet at least in legal theory, in William's possession. Now it is quite certain that, at the time of William's coronation and long after, so far was the whole land of England from being in William's possession that in the greater part of the country his kingly title itself was a mere name. It follows then that the process, as applied to the whole kingdom, was simply a legal fiction; but it was a fiction which was to be carried out into fact by such degrees and to such an extent as might be found possible and expedient.

Consequences of the redemption of lands.

[1] On the use of the phrase "per vim," see Appendix H.

[2] See vol. iv. pp. 22 et seqq.

[3] On the passage in Domesday which asserts the general redemption of lands by the English, and the passage in the Peterborough Chronicle which fixes its date, see vol. iv. p. 25.

If we remember that in William's eyes all lay property throughout England was legally forfeited, but that the forfeiture was at first but sparingly carried into effect, the whole matter becomes plain. Even at the time of the Survey, a large number of Englishmen still held their own lands or the lands of their fathers undisturbed. At the time of the coronation and of the progress which followed soon after, comparatively few Englishmen had been disturbed. What William had done up to that time was mainly to seize on the lands of the dead. But from that time every land-owner in the country, French or English, held his lands by a new tenure; he held them as a personal grant from the reigning King to himself. The whole evidence of Domesday bears out the general deductions which I have made from those two incidental passages in the Survey and in the national Chronicle which tell us in so few words what was the principle on which the greatest immediate result of the Norman Conquest was carried out.

Of the way in which the land which thus, partly in fact, partly only by a legal fiction, came into William's hands was again granted out by his authority the Survey is the great record. The Survey incidentally serves a crowd of purposes of other kinds. There is hardly a point in the history, the laws, or the manners of the time on which it does not throw some light. But, before and above all other uses, it is the record of the great confiscation. Of the land which, in his reading of the law, had become his, William disposed as he thought good. He granted it to whom he would and on what terms he would. But in this, as in all other matters, it is plain that, at no time of his reign, was William inclined to make changes simply for the sake of change. This appears alike in the process by which the lands of Englishmen were restored to them and in the process by which the lands of Englishmen were transferred to the hands of strangers. In neither case did William make any change, either in the tenure or in the extent of property,

Nature of William's grants.

Earlier tenures not interfered with.

CHAP. XXII. beyond what was needed for carrying out his immediate purpose. He had to procure the acknowledgement of his title from those Englishmen who quietly submitted to his rule. This was done by the general redemption of lands, by requiring each English land-owner to take out a fresh grant of his lands from the new King. This marks the first stage of the process, when confiscation was mainly applied to the dead and when the living were largely admitted to favour.[1] This was seemingly the state of things during the first stage of William's reign, during his first stay in England, from his coronation to his first return to Normandy.[2] A new state of things began during his first absence, when it was found that so large a part of the land still held out against him, and that, even in the shires which had already submitted, so large a part of the people was still disposed to revolt. The two short entries which set before us the process of the redemption of lands must be taken in connexion with another entry equally short which sets before us the beginning of a more systematic confiscation of lands, and one no longer to be followed by their restoration to their owners. This is that short passage in the national Chronicles which I have already quoted as saying that William, on his first return from Normandy, "gave away each man's land."[3] In the former passage we heard only of men buying back their lands, a process on the whole favourable to them. We now hear of men's lands being given away, which of course implies that they were taken from their owners. That is to say, the confiscation strictly so called, the depriving actual owners of their land and granting them to others, as distinguished from the occupation of lands of dead men and from the mere formal confiscation implied in a new grant, now began to take place on a great scale. Many men who had bought their lands back from William

First stage of confiscation and regrant.

Effect of William's first absence.

Confiscations of 1067–1068.

[1] See vol. iv. p. 24. [2] See vol. iv. p. 124. [3] See vol. iv. p. 127.

had by this time revolted against him. Their lands were doubtless seized and granted out to fresh owners, mainly, of course, to Normans and other strangers. But the confiscations made during William's first visit would apply only to a small part of the country; the West and the North were still independent; but doubtless the same process went on after every conquest of a still independent district, after every suppression of a revolt within a district already subdued. The process of confiscation was thus constantly going on for several years, and it no doubt went on occasionally, as circumstances called for it, during the whole of William's reign. But it is not often that Domesday helps us to the exact date of any particular confiscation or grant. It does so in a few cases, but we are commonly left to make our inferences from the general facts of the history. The estates of a Devonshire man could not be taken from him till after the fall of Exeter, nor can we suppose that the estates of Eadwine and Morkere were confiscated till after their final breach with William at the time of Hereward's revolt. Beyond indications like these, we are for the most part left in the dark. CHAP. XXII.

Forms of the grant.

The King's writ and seal.

Livery of seizin.

But, if the Survey for the most part leaves us to guess at the date of the various confiscations and grants, it lets us thoroughly behind the scenes as to the way in which the grants were carried out. Whether the man who received any grant of land from William was French or English, whether he received his own lands back again or received the confiscated lands of another, whether he paid a price for the grant or received it as a free gift, in all these cases alike he had alike to receive it by a writ under the King's seal, and he had to be put in formal possession by the King or by some officer acting in his name. Whether it was in every case necessary for the grantee to go through both processes, both the personal investiture and the receipt of the written document, may perhaps be doubted; but it is certain that he who could neither

CHAP. XXII. show his writ nor bring evidence of personal livery of seizin was held to have no lawful claim to the lands which he held. We may believe that in many cases, especially in cases of a fresh grant of small parcels of land, the Commissioners would be satisfied with the evidence of the hundred that the owner had been put in lawful possession. But of course the actual writ and seal of King William was the best evidence of all. It was, as we have seen, only in the case of ecclesiastical bodies, to which the general forfeiture did not extend, that the writ of King Eadward, or even of some earlier King, was of equal force. Yet it would seem that even ecclesiastical bodies often found it safer, for the better confirmation of their title, to obtain writs from the reigning King. And the pages of the Survey are thick with cases in which the Commissioners report that such and such land is held by owners, sometimes by ecclesiastical corporations, who had no royal writ to produce and who could bring no satisfactory evidence of livery of seizin. This rule was so strictly carried out that we find that, when an English heir—probably the heir of a man who had died at Senlac—entered without a fresh grant on land which in William's views was confiscated to the Crown, he was set down as guilty of an unjust occupation.[1] Some entries sound as if the Commissioners found cases where they thought that the strict application of the law would tell hardly against the actual occupants, and referred them to the King for his favourable consideration.[2]

Writs of earlier Kings.

Confirmations granted to ecclesiastical bodies.

Need of a fresh grant by the English heir.

[1] Domesday, 221. "Hanc terram tenuit pater hujus prædicti hominis [Earnwine the priest]; homo regis E. fuit. De hac terra non habet iste liberatorem nec brevem; sed occupavit super regem, ut hundredum testatur."

[2] Domesday, 191. "Tenet Harduinus sub abbate per quemdam respectum ipsius abbatis [de Ely] de dominico victu monachorum i. hidam, donec cum rege inde loquatur." Hardwin also holds two acres of land of the Abbot "De quibus non habet advocatum nec liberatorem, sed occupavit super abbatem, ut homines de hundredo testantur." For the phrase "nisi rex testificetur," see Appendix I.

A large number of other cases in which the writ and seal is mentioned show that, after all, the writ and seal of William were not always respected by his own followers. This is no more than we should expect in a time when so much property was changing hands against the will of its owners, and when so many opportunities were given for deeds of fraud or violence on the part of the foreign intruders, sometimes, it is sad to have to add, on the part of Englishmen who had gained their good will. Thus we find cases in which an English owner found it necessary to beg or buy a fresh grant of his own lands from William, and perhaps, after all, to seek safety by commendation to some Norman or to some Englishman in William's favour. I have already mentioned the case of a man who bought his own lands of the King, and yet found it expedient to commend himself to Wiggod of Wallingford.[1] So again we have seen the case in which Azor the "dispensator" had received his land again from King William, but had been unjustly brought down from the rank of a tenant-in-chief to that of an under-tenant of Robert of Oily.[2] In these two cases we distinctly see the new grant of the land to its former owner, and in the former case of the two, where the Englishman is described in so many words as buying back his land from the King, we get the clearest instance of the general redemption of lands. The two passages indeed taken together make the best possible illustration of the kind of haphazard way in which we pick up our knowledge from the great Survey. The general redemption is mentioned quite incidentally in recording the history of a particular estate. In another entry we find a story which is plainly an instance under the general rule. We are told how Azor redeemed his lands, and even what was the price which he paid for their redemption. But if he had not afterwards been unjustly

CHAP. XXII. Cases of illegal occupation.

Importance of incidental notices in the Survey.

[1] See vol. iv. pp. 45, 732.

[2] See vol. iv. p. 44.

CHAP. XXII. deprived of those lands, and if the Commissioners had not thought it their duty to report his story in detail, we might have been left with the single incidental statement of the general law, without any particular instance in illustration of it. And we may even believe that our knowledge of the story is due to the fact that it happened in a shire which was so fully reported as Berkshire, and that, if the transaction had happened among the drier entries of the West or North, we should never have heard of it at all.

Cases of Commendation.

These cases lead us at once to the many cases of *commendation*, most commonly of course to Normans, but in some cases to Englishmen who, like Wiggod, contrived to stand high in William's favour. The fuller accounts in the second volume are most instructive on the subject of commendation, and they teach us much as to the steps by which personal commendation changed into a feudal tenure of lands. We find for instance a case in Essex in which a man commends himself after William's coming to another Englishman whose land was confiscated at a later stage of William's reign. The man simply commended himself personally, and did not give up his land to his new lord; but, when the lord's lands were confiscated, the Norman grantee seized upon the lands of his man along with them.[1]

Seizure of lands where commendation was merely personal.

In another case we find a man who had before held of the Crown commending himself to an English lord after William's coming, and binding himself to a money payment.[2] In some cases we are distinctly told that the commendation was voluntary.[3] In others we only infer the commendation from that large class of entries in

Various conditions of former owners of land.

[1] Domesday, ii. 71 *b*. "Liber homo . . . . T. R. Willelmi effectus est homo antecessoris Ranulfi Piperelli, sed terram suam sibi non dedit. Quando vero Rex dedit terram Ranulfo, saisivit illam cum alia."

[2] Domesday, 36 *b*. "Tenet Seman unam virgatam terram quam tenuit de Rege E. Sed ex quo venit W. Rex in Aſigliam, servivit Osuuoldo, reddens ei xx. denarios. Hic se potuit vertere quo voluit T. R. E."

[3] Domesday, ii. 62 *b*. "Anglicus T. R. W. effectus est homo Goisfridi sponte sua."

which a man goes on holding as tenant the land which he had held as his own in the time of King Eadward. In these cases the fall from a higher to a lower tenure was most likely taken as a mitigation of utter forfeiture. But in some cases the former owner fell very low indeed. In one case in Essex the former owner had sunk to the estate of a *villanus*,[1] a word which was already beginning to bear a meaning much lower than that of the Old-English *churl* which it translates. And something of the same kind must have been the lot of a man in Buckinghamshire, whose hard tenure of the lands which he had once held as his own has moved the Commissioners to record his lot in a tone of unusual pathos.[2] CHAP. XXII.

Grants of the lands of a particular man.

Questions as to the extent of the lands and rights of the *antecessor*.

One fertile source of dispute which constantly comes up in the Survey throws a very instructive light on the way in which the confiscations and grants were made. The rule seems to have been that the confiscated lands of a particular man—at all events his confiscated lands in any particular shire or district—were granted as a whole to the new owner, who thus stepped exactly into the place of his *antecessor*. It was in this way, more than in any other, that one large class of illegal possessions arose. These were those which do not seem to have been the work of high-handed violence, but which may easily have arisen out of the mistakes which were natural in such a state of things. A Norman obtained a grant of all the lands of such and such a dispossessed Englishman in a particular district. He thus became the heir of any disputes which already existed as to the extent and tenure of those lands, and he became further involved in all the disputes which

[1] Domesday, ii. 1. "In hoc manerio erat tunc temporis quidam liber homo de dimidia hida, qui modo effectus est unus de villanis."

[2] In Domesday, 148 *b*, we find one Ælfric holding four hides of land in Buckinghamshire of William the son of Ansculf. The comment is added, "Istemet tenuit T. R. E. sed modo tenet ad firmam de Willelmo *graviter et miserabiliter*."

CHAP. XXII. arose in the actual processes of confiscation and fresh grant. We have seen in many cases, above all in the famous one of the grant of the lands of Godric to Henry of Ferrers,[1] that, in such a process as this, the lands which the *antecessor* held in his own right, those which he held of any other lord, and those which his own men held of him, were apt to get confounded. Those who were wronged in these ways, whether clerks or laymen, corporations or individuals, French or English, seem to have systematically brought their complaints before the Commissioners, by whom they were fairly entered in the Survey. And, besides cases of this kind, there are others which seem to show that an unscrupulous grantee would sometimes round off his estates by seizing small parcels of land which lay conveniently for his purpose, though they did not come within the terms of the King's grant. From all these causes we find in the Survey constant notices of disputes as to the extent of the estate of the dispossessed Englishman, and as to the nature of his tenure. "The lands" of such and such a man becomes a sort of technical phrase, and we have the record of endless disputes whether such and such hides or acres formed part of his lands or not.[2] On all these points the witness of the shire or the hundred is constantly referred to. And we find also that the writ and seal of King Eadward could be put in as evidence.[3] To establish the right of the actual owner to the lands of the *antecessor*, the writ and seal of King William was needed; but, when the *antecessor* held his lands by grant from King Eadward, no evidence could be so good as the writ and seal of the grantor to show what the possessions and rights of the *antecessor* really were.

Complaints of Englishmen brought before the Commissioners.

Technical phrase of *Terræ*.

Witness of the Shire and Hundred.

Writ and seal of Eadward evidence for the rights of the *antecessor*.

Another question naturally presents itself, whether the forfeiture of lands by Englishmen or others who fell under William's displeasure carried with it the heavier

Did confiscation imply outlawry?

[1] See vol. iv. pp. 37, 729. [2] See Appendix F. [3] See Appendix I.

penalty of outlawry. It is plain that by English law outlawry involved the confiscation of the outlaw's lands; but confiscation of lands, the regular punishment for so many kinds of offences, did not at all involve outlawry. It is quite impossible to believe that all the men who lost their lands under William were outlawed; such a measure would have involved the outlawry of a perceptible portion of the inhabitants of the country. And it is specially plain that nothing of the kind could have happened in the case of that large class who were not actually driven out of their lands, but were only reduced to hold them of a foreign grantee. Outlawry is mentioned several times in Domesday, but generally as something exceptional, which needed special mention. Some cases have been spoken of in earlier volumes.[1] Another case that may be mentioned is that of Brixi, a man who, if all the entries under that name belong to the same person, must have held lands in many and distant shires, and who several times bears the title of *Cild*. He seems to have been outlawed almost immediately on William's coming, which might make one suspect that he was one of those who escaped from the battle. His lands were granted to Robert the son of Wymarc, and were inherited by his son Swegen.[2] Some of the outlawries recorded in Domesday may have taken place in the ordinary course of justice, which, it is well to remember, went on in William's reign as it did before and after. At the same time, it must also be borne in mind that such names as brigands and murderers are not uncommonly used by established Governments to describe those who are in revolt against their authority, and also that it is almost certain that many of the dispossessed

CHAP. XXII.

Outlawry of Brixi.

Other outlawries recorded in Domesday.

[1] See Appendix K., and vol. iv. pp. 740, 750.

[2] Domesday, ii. 48. "Hanc terram tenuit iste libere, et, quando Rex venit in hanc terram, utlagavit, et R. accepit terram suam; postea habuit S." For Brixi's title of *Cild*, see i. 6, 6 *b*, 35.

CHAP. XXII. Englishmen would take to unlawful courses. When therefore we find an outlaw mentioned in Domesday whose outlawry was the punishment of robbery, it is possible that he may have been a common thief; it is also possible that what King William's Commissioners spoke of as robbery may have been in the eyes of the outlaw a lawful military operation against a foreign enemy.[1] We can discern moreover a certain tendency on the part of William's followers to pounce upon the lands of such outlawed persons, sometimes, it would seem, without waiting for the proper formalities of the writ and seal.[2]

Dealings with the lands of outlaws.

Estates left to wives or widows.

There are some curious cases in the Survey which show the way in which a part of the confiscated estate was sometimes allowed to be held by the wife or widow of the former owner. Of this we have seen a notable case in the scornful provision made for the widow of the Sheriff Godric.[3] There are a good many other cases in which we find widows or wives holding small parts of the estates of their husbands.[4] It is possible that in some of these cases the land may have been the wife's morning-gift, or the land which she herself held before marriage. It would be quite in accordance with William's spirit of formal justice to shelter the wife from the penalties following on the supposed guilt of her husband. But it is plain that a possession of this sort would be specially precarious, and the Survey helps us to several cases of the unlawful dispossession of other women who had retained parts of the lands of their husbands, besides the case of the widow of the Berkshire Sheriff. And the mention of the widows at once leads us to another class of entries, namely

Possible exemption of the wife's morning-gift.

Entries of alms in Domesday.

[1] See in Appendix K. the entry of the Essex man, "qui propter latrocinium interfectus fuit."

[2] See the story of Lisois, vol. iv. p. 286.

[3] See vol. iv. p. 37.

[4] On the entries in Domesday about wives, widows, and daughters, see Appendix L.

those in which land is said to be given in alms, most commonly by William himself, but sometimes by other donors. The receivers are sometimes priests or ecclesiastical bodies, sometimes women, sometimes men; in some cases, men whom some infirmity made natural objects of charity. But, even among these cases of alms, there are several in which it seems that the grant was simply the restoration of property which had been held by the grantee or his father. In some of the cases where ecclesiastical bodies are spoken of as receiving alms, including some of the greatest churches in England and Normandy, it is plain that what is meant cannot be alms in the sense for which we are now seeking. It can only mean that the grant was made according to some specially favourable tenure, like that of *frankalmoign* as opposed to knight-service. In a good many cases those who received land as alms are priests, though the land seems to be held by them in their personal character, and not as an ecclesiastical benefice. And in some cases the almsman was not an Englishman, but a stranger whose place among the invaders must, one would think, have been somewhat lowly. In one case we find such a foreign almsman of the King himself, and in another case, what we should less have looked for, the almsgiver was his rapacious brother Robert of Mortain.[1]

CHAP. XXII.

To Churches.

To Priests.

To other persons.

I have brought together these various instances from Domesday, and I have tried, however roughly, to classify them, as illustrations of the spirit and manner in which William carried out that great confiscation of landed property which, though it was far from turning every Englishman out of house and home, did really transfer the greater part of the land of England to foreign owners. We are throughout struck with the deep spirit of formal legality which

Formally legal aspect of the

[1] All these instances will be found in Appendix M.

CHAP. XXII. whole system of confiscation and regrant.

breathes through the whole, a spirit eminently characteristic of William himself, and with which he seems to have largely succeeded in inspiring those who acted in his name. He had a theory of his own rights, a theory which utterly upsets all our notions of real justice and fair dealing, but which laid down certain rules, by the letter of which he held himself and his fellow-invaders to be bound. While dispossessing every English land-owner who was either rich enough or patriotic enough to be dangerous, he would strictly keep his hands from all irregular oppression. It is plain that, in all this vast system of confiscation, there was no avowed difference made between Englishmen and foreigners. It was clearly William's object, not only to reward and to punish, but to carry out a politic scheme of putting the greater part of the lands of his new kingdom into the hands of his own countrymen. But no such purpose appears on the face of any legal document. King William punished, by the usual punishment of confiscation of lands, those men, English or French, who rebelled against him. He rewarded in the usual way, by grants of land, those men, French or English, who did him good service. If the general result of his reign was to enrich Frenchmen at the cost of Englishmen, that result was, in the eye of the law, a mere accident, the natural consequence of the never-ceasing revolts of the English. Men of each nation held their lands by the same warrant; the man, French or English, who could show the writ and seal of King William was a lawful owner; the man, French or English, who had no such writ or seal to show was, in the eye of the law, an intruder. The Englishman who bought back or received again as alms his former lands, or some fragment of them, was secured by the King's writ and seal against all unauthorized spoilers. The Norman who received the forfeited lands of an Englishman stepped exactly into the place of his *antecessor*, and was authorized to claim all that

No legal distinction between Englishmen and Normans.

had belonged to him in the days of King Eadward, but nothing more. Nothing, as far as the law went, hindered an Englishman from bringing a suit to recover lands which were unjustly held by a Norman; and, whenever the will of William and his Commissioners could really be carried into effect, there was nothing to hinder such a suit from being successful.[1] But that even the power of William was unable to hinder many breaches of his own laws is in no way wonderful. Nor is it wonderful that, in many cases where we need not suspect actual fraud or violence, complicated tenures were often misunderstood, and lands were seized by men to whom William's laws did not assign them. But all cases of this sort seem to be fairly entered in the Survey. The Commissioners evidently go on the principle that King William wishes to know all the wrong that is done in his land, that he may redress it. Acts of wrong done by his son, by his brothers, even by himself, are entered alongside of the doings of meaner men. In one place the Conqueror seems even to stop and listen to a word of rebuke from the mouth of his own Commissioners.[2] It is plain that both William and those who acted under him at least professed to be guided by some rule quite distinct from his arbitrary will.

CHAP. XXII.

Breaches of the law.

Fair dealing of the Commissioners.

What the worth of William's formal rightfulness was in the eyes of the conquered we know from their own mouths. "The more man spake of right law, the more man did unlaw."[3] Still this reverence for the letter of the law, though it might be a law of his own devising, at once distinguishes William from those baser tyrants who know no law but their own momentary caprice. The same spirit of formalism runs through all things, great and

Spirit of formalism throughout the inquiry.

[1] Domesday, 48 *b*. "Ældredus frater Odæ calumniatur unam virgatam terræ de hoc manerio [Compton in Hampshire], et dicit se eam tenuisse die qua Rex E. fuit vivus et mortuus, et disaisitus fuit postquam Rex W. mare transiit, et ipse dirationavit coram regina. Inde est testis ejus Hugo de Port et homines de toto hundredo." [2] See above, p. 11. [3] See vol. iv. p. 621.

CHAP. XXII. small. Once grant the gigantic fiction which held that all lay property in England was legally forfeited to a foreign invader, and it was only consistent to call it a deed of wrong and violence if a son dared to step into the lands of his father without seeking their restoration under the writ and seal of the Conqueror. Both fictions are of a piece with the formulæ which would put out of sight the fact that Harold had ever reigned, which would have us believe that William's first landing at Pevensey was as much the coming of a King into his own kingdom as when he came back with the English warriors who had served him in the harrying of Maine. In these ways the seemingly dry entries of Domesday win to themselves an absorbing interest. They set before us the details of the great Conquest. They give us the clearest insight into the personal character of the Conqueror. And, what is of no less value to history, they teach us the origin of many of those subtleties of a foreign jurisprudence with which professional lawyers have so thickly overlaid the free and simple laws of England's native Kings. But Domesday does yet more. Unwittingly, it is true, but in a way which is all the more instructive because it is unwitting, does the Great Survey set before us the whole life of the age. It sets before us a thousand local and personal details for which we might have looked in vain in the pages of any chronicler, however full and life-like his story. Those two among the many sources to which we have to go for our knowledge which are most unlike in their own nature, have for us something in common. The formal record of the great confiscation lets us behind the scenes, in the same way in which a romance or a private correspondence, a local history or a personal biography, lets us behind the scenes. The same is true in a great measure of some classes of charters. Nothing can have less in common with the terse legal phraseology of Domesday than the

Incidental and personal details in the Survey.

Comparison with the Charters.

pompous and swelling talk which disfigures most of the Latin documents which were put forth in the name of our ancient Kings. But the straightforward and business-like writs which did not think it scorn to speak to Englishmen in the English tongue—writs which went on under King William in the same form and spirit in which they had been put forth under King Eadward—have much in common with the equally straightforward and business-like entries in Domesday. A name strikes us in the Chronicles, recorded there as an incidental feature of such and such an event. Its bearer held such an office, or he was killed in such a battle. Or again, we trace his name as signing charter after charter, and by the comparison of his signatures at various times we may put together a kind of skeleton biography; we may find out at least the approximate date of his first appearance in public life and of his appointment to the several honours to which he rose. But, had we only such entries as these, he would remain little more than a name. We gain our personal knowledge of him as we trace out the various notices of him which are scattered up and down the Survey. There we can trace the extent of his estates, the tenures by which they were held, the lords to whom he owed service, and the men who owed service to him. In many cases we get the details of family history; we see the brothers dividing the estate of their father;[1] we see the provision made for the members of a family who entered religion, perhaps for the head of the family himself, if he thought good to end his days in a cloister.[2] Of one man the sudden death is

Biographies put together from the Survey and the Charters.

Family details in Domesday.

[1] Take, for instance, Ditton in Surrey, part of the lands held of Bishop Odo by the Wadard of the Tapestry (see vol. iii. p. 571), of which the entry is (Domesday, 32), "Levegar tenuit de Heraldo et serviebat ei; sed quo voluisset cum terra ire potuisset. Quando obiit, hanc terram tribus suis filiis dispertivit T. R. E." And again, 35 *b*, of another lordship in the same shire, "Duo fratres tenuerunt T. R. E. unus quisque habuit domum suam, et tamen manserunt in una curia."

[2] Cf. ii. 104. There are several cases of this sort in the Survey. Thus

CHAP. XXII. recorded;[1] in another place we read of the widow who forfeited her lands by the crime of marrying again within the year of grief.[2] The great Survey leads us to the bedside of the dying man to hear his verbal disposition of his goods;[3] it lets us into the most kindly relations of family life; it tells us what lands were received in marriage with the wife;[4] it tells us how the married priest, with his wife's consent, commended himself to the Church for the lands of her dower,[5] and what lands were granted out in marriage with the daughter.[6] In one case at least the dignity of

in 98, among the lands of Serlo of Burci in Somerset, the church of Saint Eadward at Shaftesbury held the lordship of Kilmington (Chelmetone) of him "pro filiâ ejus quæ ibi est." Of grants of this kind for the maintenance of the grantor himself there is a case in 239, where the abbey of Malmesbury holds three hides of land in Warwickshire, on which it is noted, "Ulwinus monachus tenuit, et ipse dedit ecclesiæ quando factus est monachus." Another more curious case is found in ii. 363 *b*, where we read of some lands in Suffolk belonging to the abbey of Saint Eadmund, "Hujus terram Rex accepit de abbate et dedit Guernoni de Peiz; postea licentia regis deveniens monachus reddidit terram."

[1] Domesday, ii. 196. "Habuit Almarus terram istius Anant et socii fuerunt, et subita morte fuit mortuus."

[2] Domesday, ii. 199. A certain Godwine held lands of the East-Anglian Bishoprick. He seems to have died, "et postquam Rex W. venit in hanc terram, invasit Almarus episcopus (see vol. iv. p. 335) pro forisfactura, quia mulier quæ tenuit nupsit intra annum post mortem viri."

[3] I have quoted the remarkable entry of the nuncupative will of Wulfwig at the beginning of Appendix G.

[4] Of this take an English and a Norman case. In p. 36 there is an entry among the lands of Geoffrey of Mandeville in Surrey; "habet quidam faber regis dimidiam hidam, quam T. R. E. accepit cum uxore suâ, sed nunquam inde servitium fecit." On the other hand, in 218 is a long list of the lands of Azelina, the wife of Ralph Taillebois, many of which are said to be held "de maritagio," and of one part of which we read, "hanc terram clamat Hugo de Belcamp super Azelinam, dicens eam habere injuste nec ejus dotem unquam fuisse."

[5] Domesday, ii. 431 *b*. "Brantestuna tenuit Ædmundus presbyter commendatus sanctæ Ætheldredæ T. R. E., et terram quam cepit cum uxore ejus de Brantestuna et Cloptuna misit in ecclesia, concedente muliere, tali conventione quod non potuit vendere nec dare de ecclesia." But at the time of the Survey the lands of Eadmund had passed to William of Arques.

[6] Domesday, 36. "Hanc terram dedit ei Goisfridus de Mannevil cum filiâ suâ."

the Commissioners relaxed so far as to make a legal document speak the language of romance, and to record something which reads very like the ins and outs of a love-match.[1] It sets before us the ever fluctuating relations between the spiritual and temporal owners of land. We see the constant gifts of the laity to the Church, and we see the ways, almost as constant, by which the Church was defrauded of property to which it had a legal right. We see how the wealthy sinner strives to buy spiritual profits by gifts which were to be made at the cost, not of himself, but of his heirs;[2] and we see how an heir once in possession was often unwilling to give back to their legal owner the lands in which his father had only a temporary right.[3] We trace, as we can trace by no other means, how here and there an English landowner kept his lands and increased them by the Conqueror's favour; how a crowd of others kept their estates or some fragment of them by way perhaps of alms; but how the mass of the men, great and small, who had held the lands of England in the days of her freedom, whether dead or alive, whether outlawed or within the King's peace, became, as far as land and its rights were concerned, mere things of the past, whose names were remembered only because the extent of their lands and of their rights formed the measure of the rights of the strangers who

Details of the confiscation and grant preserved in Domesday only.

[1] Domesday, ii. 232. "Quidam liber homo in Pinkenham tenuit idem xxx. acras terræ, et postquam rex venit in istam patriam, tenuit istam terram comes R[adulfus] S[talra]. Unus homo Wihenoc amavit quamdam fœminam in illâ terrâ et duxit eam, et postea tenuit ille istam terram ad fœdum W[ihenoc] sine dono regis et sine liberatione et successoribus suis." There is a good deal about this Wihenoc and his *invasiones*, but he does not appear as a land-owner at the time of the Survey. His forfeiture however must have happened somewhat late in William's reign.

[2] Take for instance Domesday, ii. 204 *b*. "Parvam Meltunam tenuit Eduinus T. R. E. de Sancto Benedicto, et ita quod eam abbati concesserat post mortem suam."

[3] I have collected a number of cases of this kind in the beginning of Appendix G.

CHAP. XXII. stepped into their places. It brings us nearer to those days and to the men who lived in them, when we can, as it were, see the Norman intruder and his English *antecessor* face to face, when we can trace the personal fate of the men who followed William and of the men who fought against him. We read in the Chronicles of the gallant exploit by which Tokig the son of Wiggod saved the life of William at Gerberoi. We wish to know more of the Englishman who thus gave his own life for his Norman sovereign. We turn to the great Survey, and we find the history, if not of the man himself, yet of his house and kindred and neighbours, recorded in this and that piece of incidental detail, till we feel as if the whole Thegnhood of Berkshire in the days of King Eadward and of King William were among the men of our own personal knowledge. Names like Eadnoth and Bondig and Esegar and the Kentish Æthelnoth, which in history flit before our eyes like shadows, become clothed with truer life as we trace out the extent and fate of their lands, as we ever and anon light on some incidental notice which sets before us the men themselves and their doings. It is the Survey which enables us to grasp the small kernel of truth round which the great legend of Hereward has gathered, and which enables us to put together our scattered notices of a life in which truth was stranger than fiction, the life of Æthelsige of Ramsey. From the hill of Lincoln we look down on the towers of Coleswegen, but it is from the Survey alone that we learn their date and their builder; without its aid we could never have fixed a landmark so precious alike in the local history of his own city and in the history of English, and even of European, art. And it is with a higher interest still that we pick out here and there the few names of the men who fought around Harold at Stamfordbridge and at Senlac, and whose memory, save for the great inquisition of the foreign King, would have passed away for ever. And, to turn from

Details given in the Survey of men who are mentioned in the Chronicles;

of Eadnoth and others;

of Hereward;

of Æthelsige.

Of the two great battles.

our countrymen to that one man among our conquerors who can claim the sympathy of Englishmen, when we have seen the corpse of Harold borne to its first unhallowed resting-place by the care of his Norman *compater*, we are well pleased when the Survey enables us to trace that *compater's* later fate, from the day when he became the prisoner of the Danes at York till the day when he died fighting against Hereward in the fens of Ely.[1] CHAP. XXII. Of William Malet.

But it is not only in the personal and biographical notices which are scattered up and down its columns that the great Survey sets the history of the age before us. No other source of knowledge sets before us the whole state of the country in the same speaking way. One happy feature in the character of the Survey, the orders given to the Commissioners to enter the state of things under King Eadward as well as under King William, could hardly have found a place in the inquiry if King William had not given himself out as in all things the lawful successor of King Eadward. It is then to this daring legal fiction that we owe the living picture which the Survey made after the Conquest gives us of the days before the Conquest. It is this legal fiction which makes the Survey our chief authority as to the various classes of men and as to the tenures of land in England during the last days of the West-Saxon dynasty. From the same source comes our fullest knowledge of the state of the Old-English towns, their constitution, their rights and properties, the duties which were laid upon them in peace and war. And Domesday sets before us, in a few dry entries here and there, the havoc which had been made in many an English town, whether in the course of warfare or through the oppression of the days of peace. There is something specially striking in the calm statistics which record the

Notices of the state of things under Eadward.

Notices of classes of men;

of the towns;

[1] See vol. iv. pp. 269, 473.

CHAP. XXII. overthrow of so many dwellings of Englishmen, and above all when that overthrow was wrought to make way for the building of the castles which were in English eyes the special homes of wrong and badges of bondage.[1] To

of the local divisions. Domesday also we owe a knowledge more minute than we could have got from any other source of the local divisions of England, of her shires, hundreds, and manors.

Permanence of English geography. We see how nearly the great divisions of our own times still follow those which William found in the land, so that, within England proper—in marked contrast to most other parts of Europe—the map which represents the divisions of our own times represents in the main the divisions in the time of the Conqueror. More minute research will indeed often bring to light differences between the Domesday boundaries of shires, hundreds, and manors, and the boundaries of the same divisions in our own time. These minute variations and their causes are matters for the local historian of each particular district, rather than for the general historian of the whole land. But the existence of such minute variations in boundaries that have remained essentially the same is of itself a speaking witness to their permanence.[2] Domesday teaches us, better than any other witness of those times can teach us, that the England of the eleventh century and the England of the nineteenth are one and the same thing. Rutland alone, in the very heart of the land, remains an insoluble problem.[3] The western frontier of the four

[1] See Appendix N.

[2] The changes of boundaries of this kind between the map of England according to Domesday and the map of England as it stands now are very considerable in point of number. But they belong so wholly to the local antiquities of each particular district that I have not attempted to go into them. The changes in the border shires, those on the marches of Wales and of the lands attached to Scotland, are another matter. They are part of the general history of the country.

[3] See vol. i. p. 49; vol. iv. p. 197. The Rutland of Domesday does not appear as an independent shire, but as an appendage, not of any of the

shires bordering on Wales has gone back, simply because the dominion of England has gone forward. The formation of new shires later than Domesday in the land between Mersey and Solway is less a part of the internal history of England than the last chapter in the long and varied history of that border land, call it Strathclyde, Cumberland, or what we will, in which all the races which have any share in the present population of our island may claim an interest.[1] And Domesday is not only our best guide to the geography of its own times, it not only teaches us names and boundaries, but it teaches us, in a way in which no other witness can, the widely different fate which befell different districts of England in the days of the Conquest. It is from Domesday alone that we learn how sweeping a confiscation it was which fell on the lands through which the Conqueror's army first marched, how Kent, Sussex, and Surrey became, above all other shires, the prey of the spoiler, and how Kent, the land whose warriors had gathered closest around the Standard of the Fighting Man, met its glorious punishment in the doom which decreed that no English tenant-in-chief might hold a rood of Kentish soil.[2] It is Domesday alone which enables us to contrast this sweeping confiscation in the south-eastern shires with the milder fate

CHAP. XXII. Of the western frontier.

Case of Strathclyde or Cumberland.

Evidence as to the different treatment of different districts.

Extreme extent of confiscation in Kent, Surrey, and Sussex.

shires which join it, but of Nottinghamshire, from which it lies quite apart. But, small as the shire still is, its Domesday boundaries are still narrower. A great part of the present Rutland was then reckoned to Northamptonshire. I may add, as bearing on the mention of this shire in my first volume, that to talk about "Rutland*shire*" is as unknown on the spot as to talk about "Cumberlandshire" is anywhere.

[1] See vol. i. p. 634, ed. 2. Besides the omission of the Bernician shires, the modern Northumberland and the modern Bishoprick of Durham, Domesday knows nothing of the shires of Cumberland, Westmoreland, and Lancaster. (See vol. iv. p. 490.) Part of the modern Cumberland and Westmoreland belongs to Yorkshire, so much namely as came within the diocese of York. The rest of Cumberland and Westmoreland was still a Scottish holding till the colonization of Carlisle by William Rufus.

[2] See vol. iv. p. 34, and Appendix O.

CHAP. XXII. which fell upon Wiltshire and Nottingham,[1] and above all with the good luck which enabled so many of the chief men of Lincoln, city and shire, to keep under the Norman rule some share of what they had held in better times.[2] No amount of rhetoric brings home to us the harrying of the North like the awful entries of "waste" which follow the eye in page after page of the Yorkshire Survey.[3] And almost more speaking still is the conspicuous absence of that still more northern land in which Walcher and Robert of Comines had met their fate.[4] If Domesday stood by itself as our only record of those times, its dry entries, its legal fictions, the hard conventional point of view from which it looks at everything, would give us a very meagre and distorted notion of the facts of the history. But the recorded history of those times, even those precious entries where the heart of England speaks in the patriotic voice of the Peterborough Chronicler, would lose half their value, many parts of the tale would be dark and perplexing indeed, if we had not the Norman Survey as its commentary.

Entries of waste.

Incidental notices in Domesday.

Notice of the redemption of lands.

Miscellaneous notices.

Yet this is not all that Domesday does for us. Its most incidental notices are sometimes the most precious. We have seen that it is to an incidental, an almost accidental, notice in the Survey that we owe our knowledge of the great fact of the general redemption of lands.[5] And there is a special interest also in those incidental notices of another kind which set before us no great fact of national history, but which light up the picture with some little piece of local detail. We seem to be brought nearer to those times when the Commissioners stop to notice a new church, a new and goodly house, or a fertile vineyard;[6] when they tell us of the hall of Earl

[1] On Wiltshire, see vol. iv. p. 42; and on Nottinghamshire, p. 197.

[2] See vol. iv. p. 214. [3] See vol. iv. p. 292. [4] See vol. iv. pp. 237, 673.

[5] See above, p. 26, and vol. iv. p. 25.

[6] See the entries under the lands of Eadward of Salisbury, Domesday

Waltheof,[1] or of the new fishery that had been made by Earl Harold.[2] And we feel the like when they, as they do far more commonly, stop to point out how the halls of Englishmen had perished,[3] how the worth of land had gone down since the days of King Eadward, or how it had been either laid waste through the accidents of war and revolution or wantonly turned into a wilderness for the savage sports of the intervals of peace.[4] We feel at home as we read of the mill which, for lack of water in the hot season, could be worked in the winter only;[5] of the other mill, set up since King Eadward's days, whose working endangered the ships in Dover harbour;[6] of the new tolls which had not been levied in King Eadward's days, which the new lords of the soil had set up, but of which the Commissioners clearly did not approve; or of the market set up by the Norman CHAP. XXII.

69; "Ibi xl. acræ prati et xx. acræ pasturæ et l. acræ silvæ minutæ et ecclesia nova et domus optima et vinea bona." The place is Wilcot in Wiltshire.

[1] Domesday, 320. "In Hallun . . . . habuit Wallef comes aulam . . . . Hanc terram habet Rogerius [de Busli] de Judita comitissa."

[2] Domesday, 30 *b*. "Hanc piscariam habuit Heraldus comes in Mortelaga T. R. E., et Stigandus archiepiscopus habuit diu T. R. W., et tamen dicunt quod Heraldus vi construxit eam T. R. E. in terra de Chingestune et in terra S. Pauli."

[3] Domesday, 41. "Leuuinus et Uluuardus tenuerunt in paragio de episcopo et non potuerunt ire quolibet; quisque habuit aulam. Quando Germanus recepit, non nisi una aula fuit." So 62. "Duæ hallæ fuerunt, modo una."

[4] See vol. iv. p. 492. For the devastations of Earl Hugh, cf. 186 *b*; "In his wastis terris excreverunt silvæ in quibus isdem Osbernus venationem exercet et inde habet quod capere potest nil aliud." Cf. also the entries on the next page. But there seems to be a distinction between Osbern who only wilfully kept the land waste which had already been wasted, and Earl Hugh who made a wilderness of set purpose. This comes out very forcibly in an entry in Exon. 5, where we read of "ii. hidæ de quibus homines ibi manentes fugati sunt propter forestam regis." [5] Domesday, 255 *b*.

[6] Domesday, 1. "In introitu portûs de Dovere est unum molendinum quod omnes pene naves confringit per magnam turbationem maris et maximum damnum facit regi et hominibus et non fuit ibi T. R. E." Ib. "Rogerius de Ostreham fecit quamdam domum super aquam regis et tenuit huc usque consuetudinem regis, nec domus fuit ibi T. R. E."

CHAP. XXII.

lord which brought to nothing the more ancient market of his English neighbour.[1] Even the entries which caused special wrath at the time, the searching inquiries which left no ox or cow or swine unrecorded,[2] help, as we trace them page after page in the surveys of the eastern and western shires, to bring the general picture of the land more vividly before us. Never was there a dry legal record so full of human interest of every kind as the great Survey of England. Every human relation, every position of life, every circumstance which could call forth joy or sorrow, the wail of the dispossessed, the overbearing greed of the intruder, the domestic details of courtship, marriage, dowry, inheritance, bequest, and burial, all are there.

> "Quidquid agunt homines, votum, timor, ira, voluptas,
> Gaudia, discursus, nostri est farrago libelli."[3]

In the pages of Domesday, among all the dryness of legal formulæ, we can hear the cry of the poor under the rod of a grasping neighbour or of a heartless official;[4] we see the private spite or private favour of the self-seeking reeve, French or English indifferently, recorded in so many words;[5] we trace out, recorded no less faithfully if in less outspoken words, the nepotism of the Bishop who made a maintenance for his kinsfolk out of the estates of the Church entrusted to him;[6]

Doings of the Reeves.

Alienation by ecclesiastics.

[1] See vol. iv. p. 765.

[2] See vol. iv. p. 693. The inquiry was not followed by any great result in a manor in Essex, entered in ii. 78, where it is recorded that Peter of Valognes, "quando recepit hoc manerium, non invenit nisi unum bovem." There were however fifteen at the time of the Survey.

[3] Juvenal, i. 185.

[4] Take for instance the entry quoted in vol. iv. p. 223; "Pauper cum matre reclamat." It sounds like the end of a hexameter.

[5] I shall deal specially with the reeves in Appendix P. But I will quote one entry here. In p. 32 we read of lands in Surrey, "Abbas de Certesi tenet unam hidam quam præfectus villæ hujus, propter inimicitiam quamdam, ab isto manerio abstulit et misit in Certesi."

[6] See the stories of Brihtheah in Appendix D; of Hermann in vol. ii. p. 403; of Guthmund, vol. iii. p. 76, and Appendix L. So of the Norman Bishop Erfast, ii. p. 115, "ex his socmannis tenet Ricardus iii. de dono Arfasti episcopi."

and we see the intruding stranger throwing the heritage of Englishmen as a gift to the basest partners of his amusements or his lusts.[1] We see the course of justice or of injustice, how one evil-doer meets with death or outlawry for his deeds,[2] while another escapes under the patronage of the powerful temporal and spiritual lords of whom he holds.[3] And, rising above all, stamping his presence on every page of the Survey which he ordered, we see the master of the work, whose mickle thought and deep speech with his Witan[4] had led to the making of this great possession for all time. From one end of Domesday to the other, King William is there, making himself felt in every action of every man within his kingdom. His coming into the land, the harsher features of that coming being veiled in the decorous language of the Survey, is the great epoch from which the date of all that is done is reckoned. The land itself is his gift; whoever owns any portion of it must show the writ and seal of the giver, or must at least bring such evidence as the law demands to prove that it has really been granted to him. Here the King has been defrauded of his rights; the money due to the royal coffers has not been paid,[5] or the land itself has been taken possession of without a lawful grant from the one lawful grantor. One man's possession is at the King's mercy;[6] on the

Personal impress of William on the Survey.

The King is grantor of all land.

And in 118 *b* we find of the church of Saint Mary at Thetford "modo tenent filii Arfasti episcopi," so that he was at least no improvement on his English predecessor Æthelmær.

[1] In 38 *b*, at Cladford in Hampshire, we find, "de isto manerio tenet abbas de Lire (see vol. iv. p. 537) iii. virgatas terræ et decimam villæ, et Adelina joculatrix unam virgatam quam comes Rogerius dedit ei." So 214, "In Siuuilesson tenet quædam concubina Nigelli [de Albinge] ii. hidas terræ."

[2] See above, p. 29, and Appendix K.

[3] See the story of Brungar in vol. iv. p. 738.

[4] See vol. iv. p. 690.

[5] Of several cases take one from Devonshire, in Domesday, 100, where the King's dues are reckoned up, consisting of pennies from Count Robert of Mortain, Saint Mary of Rouen, and others. The comment is, "hos denarios jam per plures annos rex non habuit."

[6] Domesday, 244 *b*.

CHAP. XXII. rights of another the Commissioners do not venture to decide; he must wait till he can speak to the King face to face.[1] But King William is a King ruling according to law; if he has his claims upon other men, other men may freely bring their claims against him before the Barons whom he has sent to search out how his land is set and of what men. Here we see him granting lands back to their owner, making thereout either a temporal profit in the shape of gold told or weighed to him, or else the spiritual profit which belongs to those who give alms to the blind and the lame, to the widow and the orphan.[2] We see him in his softer moments, as the bereaved father making grants for the soul of the son whom he had untimely lost.[3] And we see him rewarding by other grants the services done to the daughter who still lived.[4] We see him too as the father who, however tender, would not raise up for himself rivals in his own house, who would not give up, before God took it from him, any fragment of the kingship which God had given him.[5] Not an appanage, nor an earldom, not a single rood of English ground, does the Survey show as having passed by William's grant to those who were to come after him.[6] In this great record of his government King William stands alone; he is more than the central piece of the picture, he is the picture itself. Every detail of the record, every utterance of the law, every claim, real or pretended, to the smallest scrap of ground within his kingdom, all gathers round him; all goes forth from him as its source, and comes back to him as its object. He stands alone as one who had been specially called into being for the work of ruling. The kingdom is his; we may gather indeed

Personal notices of William in the Survey.

William the centre of the whole Survey.

[1] Domesday, p. 191. "Donec cum rege loquatur." Compare the phrase in Henry the First's Charter (Stubbs, Select Charters, 97), "mecum inde loquatur."

[2] See Appendix I. and M., and vol. iv. p. 197.

[3] See vol. iv. p. 614. [4] See vol. iv. p. 634. [5] See vol. iv. p. 641.

[6] See vol. iv. p. 633.

from the Survey that there had been Kings before him, and even that he came from beyond sea to claim their Crown. But by what right he claimed it, in what relation he stood to the Kings who went before him, of this we learn as little from the book of Domesday as we learn of any provision for his Crown and kingdom when he himself should pass away. It is the one form of William the Great, in the solitary majesty of him who was master of the whole land and lord of all the men to whom he gave it, which stands forth in full life on the canvas. While he grasped the rod of rule, it was not for lesser men to ask how he came to wield it, or to ask to whom it should pass away when seven feet of ground should be the utmost limit of his holding. The portrait of William is drawn of set purpose, and in living colours, by the Chronicler who deemed it a thing worthy of record that he had looked upon him.[1] And it is drawn, not of set purpose, but in colours hardly less living, in the pages of the record which was made to give William himself a picture of his kingdom, but which to us gives, not only the picture of his kingdom but the hardly less precious picture of William himself.

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His right to the Crown taken for granted.

The two portraits of William.

One thought still remains; the Survey sets before us the state of England in the later days of William's reign. But the means by which the Survey was put together are not the least instructive part of the whole story. The entries in each place, as we have seen, were made by the Commissioners, after hearing the witness and taking the oaths of the men of the district, French and English. The extent of the lands and rights of the Norman landowner, the claims which he had over other men and the claims which other men had over him, were all verified by the oaths of witnesses, of either nation, given in the

Mode of taking the Survey.

Oaths of the men of the district, French and English.

[1] See vol. ii. p. 165; vol. iv. p. 618.

CHAP. XXII. lawful English Assemblies of the shire or the hundred.[1] And those claims were settled by what the voice of those witnesses proved as to the extent of the lands and rights of the dispossessed Englishman into whose place the Norman had stepped. It must have been with strange feelings that Englishmen gave in their witness to show what had been in the days of King Eadward the exact boundary of the lands, the exact extent of the personal rights, of their former neighbour, perhaps their friend, kinsman, or former lord. They were bidden to call up the memory of the happier past, only to bring the harshest features of the present yet more strongly before their minds. They were called on to tell what had been once held by their friend or neighbour, by Godric or Esegar or Æthelnoth, only to proclaim more strongly that those lands and rights had for ever passed away from Godric, from Esegar, or from Æthelnoth into the hands of the stranger Ralph or Roger. With what feelings men discharged such a duty the unimpassioned entries of the Survey cannot tell us, but they do make it plain that the duty, strange as it was, was in the main faithfully discharged. How far the new lords who stepped into the places of the sons of the soil succeeded in winning the real good will of their men of the conquered race, the Survey of course cannot tell us. But we do see that the formal relation of a man to his lord, the personal duties and services which that relation carried with it, had passed with but little difficulty from the English *antecessor* to

Evidence as to the old state of things.

General faithfulness of the return.

[1] See the entries in ii. 186 *b*, 187, where the witness of the hundred comes out very clearly. In one case (Domesday, ii. 446 *b*) we find it recorded of a witness named Flint, "vicecomes derationavit quod mentitus erat."

This way of taking an inquisition of the extent of lands by oath was not new. In a charter of Lewis the German on behalf of the abbey of Saint Gallen (quoted by Waitz, *Deutsche Verfassungsgeschichte*, i. 250), it is ordered "ut res illius ubi necessitas exegerit, cum sacramento inquirantur."

the stranger whom the law of the Conquest looked on as his heir. The lord's witnesses of either race are alike ready to go on their lord's behalf to the stern trial enjoined on each race by its own custom. The Englishman offers his body to the ordeal; the Frenchman offers his to the wager of battle.[1] And nothing sets before us more clearly than the language of the Survey the perfect legal equality between all men, of whatever race, who lived under William's law. If, through the greater part of the land, Englishmen had given way to Normans, that was in William's eyes an unhappy accident; whatever might be the cause of the change, it was at least not to be found in any legal preference given to Normans over Englishmen. King William's grantees, French and English, received their lands of the same grantor and according to the same law. That grantor was the King of the English; that law was the ancient law of England. To that law every subject of the English Crown, whether born or not within the four seas of Britain, had an equal right to appeal. The claim of Norman against Norman, of Norman against Englishman, was heard; but the claim of Englishman against Englishman, of Englishman against Norman, was also heard; nay Norman and Englishman alike were heard when they brought their claims against King William himself. What was law in the days of Eadward remained law in the days of William; the Survey ever and anon speaks of change with a kind of conservative horror, as if whatever was other than it had been in Eadward's days was branded as wrongful on the face of it. As far as outward names and formulæ went, every care was taken to make the change involved in the establishment of the foreign King and the foreign land-owners seem as slight as might be to the conquered people.

Legal equality of French and English.

A fair hearing, according to English Law, granted to all.

Changes avoided as far as might be.

[1] See, among many other cases, ii. 146*b*, 190.

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Real nature of the hardships caused by the Conquest.

Let me not be thought to rate too highly the value of names and forms and legal fictions. Still less let me be thought to think too lightly of the changes which followed on the Conquest, or of the immediate wretchedness which was wrought by it. Those changes, that wretchedness, can hardly be rated too highly in degree, but it is easy to fancy them to have been quite different in kind from what they really were. We can hardly overrate the amount of wretchedness which was caused at the moment, or the importance of the changes which were wrought in the long run, by the process of depriving all the chief land-owners in the country of their lands and granting those lands to strangers. But we may easily mistake what was really a system of legal confiscations and legal grants, harsh no doubt and unrighteous, but still carried out strictly according to the letter of the law, for a mere scramble of brigands, in which every foreign soldier got what he could lay his hands upon. In some respects the legal and orderly transfer of lands and offices from natives to strangers which went on step by step during the whole of William's reign may have been harder to bear than if the land had been handed over to mere anarchy and violence. The strict regard to the letter of the law, as William understood the law, may even in some sort have made matters worse, by adding mockery to substantial wrong. It was small comfort to a man who saw his lands taken from himself and granted out to a stranger, to tell him that his lands were justly forfeited for actual or constructive treason against the King who had come from beyond the sea. And it must have seemed the bitterness of mockery when the stranger to whom his land was granted was dealt with as his heir by lawful succession, and when the neighbours and friends and tenants of the dispossessed lord were called together to bear witness as to the exact extent of the inheritance. And bitterer even than the

Those hardships heightened at the time by William's formal legality.

transfer to the stranger must have been the not uncommon transfer to men of their own race who had won the favour of the Conqueror by submissions which could hardly fail to have been unworthy. When men saw Thurkill of Warwick, Wiggod of Wallingford, and Eadward of Salisbury glutted with the spoils of Englishmen truer and braver than themselves, it must have been a sight even more bitter than to see the exaltation of men who were at least foreign enemies and not home-bred traitors. But the facts which the Survey so clearly teaches us, that some Englishmen contrived, by whatever means, to hold their own among the conquerors, and that the conquerors themselves had in a manner to become Englishmen and to hold all that they had according to the ancient laws of England, though they might make the bondage bitterer for the moment, were in the end the means of wiping out the bondage and all that came of it. The strongly legal turn of William's own mind, his strict regard for at least a formal justice, had no small share in forwarding the work of making Normans and Englishmen one. And they had no small share too in fixing the way in which that work should be carried out. They ruled that it should be done, not by changing Englishmen into Normans, but by changing Normans into Englishmen. No time indeed is so bitter for the moment as the time when wrong puts on the garb of right, when the forms of law and justice are changed into instruments of oppression. So it was in the eleventh century; so it was in the sixteenth. In the eleventh century, as in the sixteenth, England bowed to the yoke of a despot who knew how to do his worst deeds under the form of law. In both cases it might seem that the substance was gone for ever, and that the shadow would soon dwindle away after it. It might seem that flesh and spirit had wholly passed away, and that the dry bones could never live again. But so it was not to be. In each case a day came when form

CHAP. XXII.

Case of William's English favourites.

Good effect of the legal fictions in the end.

Fusion of Normans and English promoted by them.

Analogy between William and Henry the Eighth.

CHAP. XXII. and substance were again joined together, when the dry bones stood up again, quickened once more into flesh and blood, and with the breath of life in their nostrils. To the legal tyranny of William in one age, to the legal tyranny of Henry in another, we owe that the unbroken life of English law and English freedom has never been wholly snapped asunder. Truly the more both William and Henry spake of law the more they did unlaw; but, because they still had law in their mouths, they paved the way for those who had law not only in their mouths but in their hearts. To the strict formalism of William's government of which the legal fictions of Domesday are the mouth-piece, to the caprice which made Henry love ever to have Judges and Juries and Parliaments and Synods as the accomplices of his foulest deeds, we owe it that the heroes of the thirteenth century and the heroes of the seventeenth could withstand the despotism of their weaker successors in the name of the yet living law of England. It was because William in one age and Henry in another had preserved the form in trampling on the substance, that Fitzwalter in one age and Hampden in the other could draw their swords, not for what was new, but for what was old, not for cunning theories, but for ancestral rights, for those ancient laws and liberties of England whose memory still lived to be again clothed with their ancient life and strength in happier times.

The freedom of England in the end strengthened by their despotism.

Effect of the eleventh and sixteenth centuries on the thirteenth and seventeenth.

CHAPTER XXIII.

THE NORMAN KINGS IN ENGLAND.[1]

1087–1154.

BY this time we have learned the true nature of the great work of William both in Normandy and in England, and we have traced out his life and rule in both lands from his cradle at Falaise to his grave at Caen. But it is eminently characteristic of William that the history of his deeds does not end with the history of his own life, but that, in a sense almost peculiar to himself, his work

William's history goes on after his death.

[1] During the sixty-seven years contained in this Chapter we lose some of our authorities and gain others. The Peterborough Chronicle goes on during the whole time, and gives us the history of William Rufus and Henry the First in detail. The reign of Stephen is confused and fragmentary, and the Chronicle fails us altogether at the coming of Henry the Second. We are thus left for more than a hundred years without any writer in our own tongue. Florence fails us in 1117; but a valuable contemporary continuation carries us to 1141, when it too becomes fragmentary. The enlarged version of Florence by Simeon of Durham goes on to 1129. Orderic, now a strictly contemporary writer, leaves off at 1141. William of Malmesbury, now also strictly contemporary, carries on his Gesta Regum to the death of Henry; his three books of Historia Novella carry on the history to 1151. Henry of Huntingdon, who is contemporary at least for the reigns of Henry and Stephen, ends with the accession of Henry the Second. Thus, on the whole, the authorities with which we are already familiar lead us nearly to the end of our period, some of them increasing in value as they go on. We get also some new helps. For the reign of Rufus and for the early part of the reign of Henry, we have the precious writings of Eadmer, the English-born biographer of Anselm; both his formal Life of the saint and his far more

CH. XXIII. lived after him. Other conquerors, conquerors, many of them, on a wider field than William, have affected the course of all later history in a way that neither Norman nor English vanity can venture to maintain that William has done. He cannot, in a view of universal history, claim to have left his impress on all time like Alexander, Cæsar, Constantine, and Charles. His work, after all, was bounded by a single island and a small portion of the neighbouring mainland. But, within that comparatively narrow range, William wrought a work which, in one sense indeed, has been far more abiding than theirs. Of each of those Lords of the World we may say that the influence of his work has been eternal, but that his work itself has fallen in pieces. But within

Comparison of William with other conquerors.

Specially abiding character of William's work.

valuable Historia Nova. These are the forerunners of those vast stores of writings of the same kind which distinguish the reign of Henry the Second. In the later part of our period, the anonymous writer of the Gesta Stephani gives us a detailed account of the early part of Stephen's reign, but becomes fragmentary and breaks off in its latter part. This writer in the interest of Stephen must be compared throughout with William of Malmesbury, who writes in the interest of his own patron Earl Robert. The reign of Stephen is also recorded by the two northern writers Richard and John of Hexham, and we have a separate tract by Æthelred of Rievaux on the Battle of the Standard. The Latin elegiac poem bearing the strange name of "Draco Normannicus," published in the Appendix to the works of Cardinal Mai (Rome, 1871), contains much less than might have been looked for. For the latter days of Stephen, the historians of Henry the Second's time, as Ralph of Diss, Roger of Howden, and Gervase of Canterbury, begin to be of use. Among continental writers, light is thrown on the foreign events of Henry the First's reign by Abbot Suger's Life of Lewis the Sixth, and the Norman side of Stephen's time is best told in the continuation of Sigebert by Robert de Monte. As in earlier times, we often get incidental help from local and miscellaneous writers, and the great series of our public records begins during this period with the single Pipe-roll of the thirty-first year of Henry the First. Among modern writers the only general narrative of much consequence is Sir Francis Palgrave's fourth volume; for the time of Anselm we have also the Life of him by Dean Church. Since this chapter was first written, we have gained the greatest help of all. The first volume of Professor Stubbs' Constitutional History has thrown a flood of light on this, as on all other periods coming within its range.

William's island world, in the Empire where he could be at once King and Cæsar, not only has the influence of his work been eternal, but his work itself still abides. His work has been more lasting, because it has been in some sort less brilliant. Almost alone among conquerors, he conquered, neither to destroy nor to found, but to continue. The monarchy of England, in the shape which it has taken ever since William's day, has been William's work. But it has been his work, it has received from him a new life and a lasting character, because he was content, not to wipe out, but carefully to preserve, the old laws and constitution, the very titles and formulæ, of the realm which he claimed as his lawful heritage. The legal fictions of Domesday, the formula of the *antecessor*, the calm assumption of Eadward as the immediate *antecessor* of William, bear witness to something more than the spirit in which the actual details of the Conquest were carried out. They set forth in truth the great lesson of the continuity of English history; they teach us, as if from the mouth of William himself, that it is not with the coming of William that the history or the law of England began. But they set forth too the harder lesson, the paradox as it may seem, that it is mainly owing to the coming of William that we owe our unbroken connexion with Ælfred, Ecgberht, and Cerdic. It is owing to the momentary overthrow, to the seeming momentary destruction, of our old kingship, our old freedom, our old national being, that we have been able, more truly than any other European nation, to keep them all as an unbroken possession for eight centuries after they had seemed to perish. Strange as it may seem, the Norman Conquest has, in its results, been the best preserver of the older life of England. When we compare our history with that of nations which never underwent the like foreign conquest, with our kinsfolk in Germany

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Conservative effect of William's Conquest.

Its bearing on the continuity of English history.

The old life of England preserved by the Norman Conquest.

CH. XXIII. Comparison with Germany and Scandinavia.

and Scandinavia, we see that, through that very foreign conquest, we have been enabled to keep on a political being far more unbroken than they have. We have not had, like Germany, to reconstruct our national being, after being split in pieces for ages. We have not had, like the Scandinavian kingdoms, to set up our freedom again as something new, or at least restored, after a longer or shorter interval of acknowledged despotism. That this difference we owe to the Norman Conquest, that, owing it to the Norman Conquest, we owe it mainly to the personal action of the Norman Conqueror, is the thesis which I shall strive to make good in the remaining chapters of this my last volume. In one point alone can I see that the coming of the Norman has done us lasting harm. One direct, though not immediate, result of the Norman Conquest, which Germany and Scandinavia have escaped, has been the lasting corruption on English lips of the common mother-tongue.

The Norman Conquest destructive in the case of language only.

Comparison of William's Conquest with those of Theodoric and of Charles of Anjou.

At the very beginning of this work[1] I pointed out the peculiar character of William's Conquest, as compared with the conquests of times before and after it. I said then that it carried with it a less amount of change than the national settlements in the days of the Wandering of the Nations, a greater amount of change than the mere political conquests of later days. It may not be amiss to compare it, both in its nature and in its results, with two other famous conquests, one of the earlier, the other of the later time. William the Great himself need not blush to be ranked in the same class with Theodoric, and between William and Charles of Anjou, between the Conqueror of England and the Conqueror of Sicily, there

[1] See vol. i. p. 3.

are not a few direct points of likeness. The reign of Theodoric in Italy, like the reign of William in England, was a reign of legal fictions. The theory according to which William lawfully succeeded to the crown of his cousin Eadward was a fiction not more transparent than the theory according to which the King of the East-Goths entered Italy by an Imperial commission, as a Roman Patrician sent to win back a lost province of the Empire from the grasp of the Tyrant Odoacer.[1] The nature of the two fictions was opposite. It was as needful for the position of Theodoric that he should not give himself out as King of the Italians[2] as it was needful for the position of William that he should give himself out as King of the English. But it was on a legal fiction, on a system of decorous formulæ which veiled the fact that they were in truth Kings by the edge of the sword, that the power of Theodoric and the power of William alike rested. And it is not too much to say that it was the different nature of the legal fiction in the two cases which led to the difference in character and duration between the dominion founded by Theodoric and the dominion founded by William. The legal fiction under which Theodoric set forth was one which carried with it the destruction of his dynasty. The Imperial commission by which alone the Gothic King claimed to reign in Italy might be withdrawn by the authority which had granted it. The Imperial claims were not likely to be heard of as long as the Gothic monarchy was strong, but they were sure to be put

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Legal fictions of the reign of Theodoric.

His commission from the Emperor.

Contrast between the legal fictions in the two cases.

Self-destructive nature of Theodoric's position.

[1] Some passages on this head will be found collected in the British Quarterly Review for October, 1872, p. 325. See especially the description of Theodoric's mission given by the anonymous writer at the end of Ammianus (717 ed. Gronovius). The story is told in the same spirit by Jordanes, 57.

[2] This title seems to be purposely avoided, even when Jordanes comes as near to it as "Gothorum Romanorumque regnator." See the article in the British Quarterly Review already quoted, p. 325.

CH. XXIII. forward, and very vigorously and effectively they were put forward, as soon as the Gothic monarchy became weak.

Inherent strength of William's position.

But the legal fiction by which William claimed the English Crown contained in it no such elements of destruction. It was one which, in its own nature, could not fail to grow stronger and stronger. William gave himself out, neither as a foreign conqueror nor as the representative of an absent over-lord, but as the rightful successor of the Kings who had gone before him. As he and his dynasty became settled in the land, as the immediate effects of the foreign Conquest wore away, the fiction ceased to be a fiction. The King by the edge of the sword came in truth to be, what he claimed to be, King according to the law of England. And the different natures of the legal fictions by which Theodoric claimed to reign in Italy and William to reign in England affected their position and the duration of their dominion in another way.

The old laws preserved in both cases.

Each came professing, and each came, we may believe, really purposing, to rule according to the laws of the land in which he found himself. In the case of the Goth, the question between Roman and Gothic law could hardly arise; Ataulf had found out before him that it was only by the laws of Rome that the world could be governed.[1] But besides this, the Patrician, the lieutenant of the Emperor, could not fail, from the very nature of his position, to rule over Romans according to Roman law. So William, as lawful King of the English, could not fail, from the very nature of his position, at least to profess to rule England according to English law.

Comparison between the Goths in Italy and the Normans in England.

But both Theodoric and William brought with them what might seem to be a great hindrance to peaceful and lawful government, in the shape of a foreign army, by the help of which each won his conquest. It is in the treatment of their followers that the difference between the position of Theodoric and

[1] Such is the declaration which Orosius, just at the close of his History, puts into the mouth of Ataulf. See Comparative Politics, 329, 495.

that of William comes out most strongly. The Italians could hardly look on the Goths as enemies. They had won no victory over any Italian army, nor was any Italian dispossessed of his lands in order to enrich them. The victories won by the barbarian host of Theodoric were won wholly over the barbarian host of Odoacer. The lands which Odoacer had already distributed among his followers stood ready to reward the followers of Theodoric without any further disturbance of Roman owners.[1] The man who was at once Roman Patrician and Gothic King kept his Roman and his Gothic subjects separate; they lived apart, each nation according to its own law, and the common ruler of both stood ready in case of need to do equal justice between them. In Theodoric's view, repose and dignity fell to the lot of the Roman, while the toils of government and warfare fell to the lot of the Goth. The Roman had but to enjoy his own in peace, while the Goth stood by as his armed defender. The splendour and dignity of government still remained in the hands of the Roman Consul; it was only the toils of the ruler which the Gothic King took for his own share.[2] While the great King himself lived, we may believe that such a picture as this was more than a dream, more than a theory. But when his strong hand was taken away, all was changed. The Goths had no root in the land; they were but a foreign army encamped on Italian soil. Presently they were felt to be, not only a foreign army but an hostile army, and they were cut off in warfare with other foreign armies whom the abiding magic of a name caused Italy to look on as countrymen and deliverers. The followers of William, on the other hand, had won their victory over Englishmen. It was only at the cost of Englishmen that the share which they had borne in con-

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No fresh confiscation made by Theodoric.

Isolation of the Goths in Italy.

Overthrow of the Gothic power.

[1] Prokopios, Bell. Goth. i. 1.

[2] Cassiodorus, vi. 1; vii. 3.

CH. XXIII. quering England could be rewarded. Hence, while the reign of Theodoric was a reign of peace and happiness, the reign of William was a reign of grief and oppression, a reign of robbery and slaughter. But for the very reason that the beginnings of the Norman rule in England were so much darker than the beginnings of the Gothic rule in Italy, the Norman rule in England took root and ceased to be a Norman rule, while the Gothic rule in Italy was stamped out almost within the memory of those who had seen its beginnings. The Goths, standing apart as a foreign army for the defence of Italy, never became Romans. The Normans, dividing among themselves the lands of England to be held according to English law, became Englishmen with wonderful speed. We might stop, not without advantage, to compare the personal characters of the great Goth and the great Norman. The death of Waltheof may be set against the deaths of Boetius and Symmachus; but if the early days of William form a bright contrast to the turbulent youth of Theodoric and to the treacherous slaughter of Odoacer by his own hand,[1] the Italian reign of Theodoric, the reign of a true father of his people, has nothing like the harrying of Northumberland and the more wanton desolation of Hampshire. But it is of more moment to mark what came in each case of the policy into which the peculiar position of either conqueror led him. The paternal rule of Theodoric, his careful isolation of his Gothic followers, gave Italy one generation of happiness, to be followed by the overthrow of his dynasty, by the extirpation of his nation, by the long desolation of Italy at the hands of the Goth, the Frank, and the motley armies of the Eastern Rome. The oppressions and spoliations of William's reign, the division of the lands of England among his foreign followers, not only preserved

The Normans in England not isolated; consequent permanency of their settlement.

Personal comparison of Theodoric and William.

Opposite results of their reigns.

[1] On the early life of Theodoric and the death of Odoacer, see the article in the British Quarterly Review already quoted, p. 325.

his Crown to his descendants for ever, but it proved in the end the means of preserving the freedom and the national life of England. The well nigh despotic power which William handed on to his successors woke up again the spirit which a milder rule might have lulled to sleep. And, when the day of uprising came, the ancient sons of the soil found worthy comrades and leaders in the descendants of the men among whom William had parted out the lands of their forefathers, comrades whose hearts were now found to be as truly English as their own. CH. XXIII.

Comparison between the Norman Conquest in England and Sicily.

The Italian and Sicilian conquests made by Norman adventurers in William's own day have been more than once incidentally referred to in the course of our History. In them too we may see the force of a legal fiction. The captive Leo the Ninth, or one of his successors, was made to confirm the past and future conquests of his captors, and to grant out both Apulia and the as yet untouched land of Sicily as fiefs of the Holy See.[1] The only question is whether so impudent a pretext as this has any right to the name even of a legal fiction. The formal right of the Emperor Zeno to send a Patrician to rule Italy in his name could not be denied. Eadward had no right to dispose of the kingdom of England, but he had a right to a voice in its disposal, and to claim the Crown of England by virtue of his alleged bequest was at least less monstrous than to claim the dominions of the Eastern Emperor by virtue of a grant from the Bishop of the Old Rome. Still there can be no doubt that the papal grant did much to advance and strengthen the power of the Normans in Italy, and that it did much to enable their conquests to take the form of an united and regular kingdom. Still the grant of Leo did but give a shadow of legal sanction to a process of conquest which had already

Effects of the Papal investiture.

[1] See Geoffrey Malaterra, i. 14 (Muratori, v. 553); William of Apulia, ii. 400 (Pertz, ix. 262).

CH. XXIII. begun. Both Theodoric and William, on the other hand, announced to the world their purposes, and the justification of those purposes, before they set forth on their several expeditions. And, like the claim of Theodoric, but unlike the claim of William, the papal investiture of the Norman in Italy carried with it the destruction of the power which it had once strengthened. The nominal over-lordship of Leo became a terrible reality in the hands of those Pontiffs of the thirteenth century who professed to dispose of the vassal crown at their will, and who sent crusading armies to enforce their grants. In some points then the Angevin Conquest of Apulia and Sicily has more likeness to William's Conquest of England than to their earlier conquest by William's own countrymen. William set forth as a Crusader before the true Crusades had begun. Charles of Anjou set forth as a Crusader, when Crusades had already begun to be turned away from their true object. In each case the spiritual power backed up the ambition of the temporal prince, but the immediate relations of the spiritual and temporal powers were reversed in the two cases. William claimed the English Crown, and the far-seeing policy of Hildebrand saw that to support his claim by a papal sanction would one day turn to the advantage of the See of Rome. Urban the Fourth and Clement the Fourth had their own reasons for compassing the overthrow of Manfred. They needed the arm of a temporal prince to carry out their purposes, and what Edmund of Lancaster could not do for them they found that Charles of Anjou could do. In the two conquerors themselves there are, as I have already said, strong points of likeness. In both we see the same iron will, the same unbending sternness in carrying out a purpose which we may believe that each had taught himself to look on as righteous. In both we may see the strong influence of a formal religion, a religion which in neither case was without its fruit in the

Its analogy with the Imperial investiture of Theodoric.

Comparison between the Angevin Conquest of Sicily and the Norman Conquest of England.

Comparison between William and Charles of Anjou.

personal virtues of the man, little as it did in either case to soften the hardness of the ruler. Yet by the side of Charles William might pass for gentle. York and Le Mans were lost and won again, but their recovery was not marked by such cold-blooded slaughter as marked the hour when the entry of Charles put an end to the second day of Massaliot freedom.[1] Conradin and Frederick of Austria were foes more to be dreaded than Eadgar and Eadwine, but their beheading at Charles's bidding stands out in contrast with the conduct of the Conqueror, who never sent men to the scaffold for withstanding him in open battle. The general government of Charles seems to have been more oppressive than that of William, and the immediate cause of the Sicilian revolt shows that Charles was less zealous than William to put down a class of outrages of which neither was guilty in his own person. He had his reward in seeing with his own eyes half the kingdom which he had conquered rent away from him and his house. The differences between the later histories of England and of the Two Sicilies belong perhaps to causes over which neither Charles nor William had any control. Southern Italians, Normans and Frenchmen settled in Southern Italy, had not the same means for keeping up a vigorous national life as Englishmen and Anglicized Normans. Yet William and Charles were alike in this. Each was able, by help of a legal fiction, by help of a papal blessing, to leave behind him a lasting dynasty in the land which he conquered. The dynasty founded by Charles was at least more long-lived than the dynasty founded by Theodoric. The dynasty founded by William abides among us still.

CH. XXIII.

Charles's massacre at Marseille.

Beheading of Conradin.

Comparison of the dynasties founded by William and by Charles.

The distinctive feature, then of William's Conquest is that its results have been, above those of all other con-

Gradual and lasting effects of

[1] See vol. iv. p. 549.

CH. XXIII. the Conquest.

quests, lasting and unbroken. William's entry was made by force, but its effects have been wrought silently and peacefully. In many respects the result of William's Conquest was merely to strengthen and hasten tendencies which were already at work in England. In some cases its effect was to harmonize and to reconcile tendencies which in their own nature were conflicting. Thus, before William came, England was making swift steps in the direction of closer national unity, and thereby of greater authority in the common centres of unity, in the common King of the whole English people, in the common Witenagemót of the whole English land. On the other hand, England was also tending towards those feudal notions and relations which in other lands did so much to break up all national unity and to weaken the power of all common central institutions. Here were two conflicting tendencies. Had they been left to their own developement, without any compressing force from without, they might have wrought the same result in England which they did in France. We might have seen, as in France, the kingdom split up into a number of practically independent principalities, to be joined together in after times, one by one, in the hands of a despotic King. We might have seen, as in France, the holders of military fiefs, great and small, grow into an exclusive nobility, in one age defying the Crown in the exercise of its lawful authority, in another age sinking into the abject hangers-on of a despot's court. From all this William saved us. His great distribution of lands, to be held of himself as lord, gave the greatest impulse to feudal ideas of every kind.[1] But he took care that the King should never be sunk in the lord; he took care that his own vassals and the vassals of his vassals should be his subjects as well. The oath which all men took in the

Harmonizing of opposite tendencies at work before the Conquest.

Tendency to national unity;

to Feudal ideas.

Impulse given to military tenures,

but checked by the law that every man should

[1] I shall speak more fully of this in the next Chapter.

great Gemót of Salisbury[1] saved us from the worst evils of feudalism as they showed themselves in other lands. William carried out the work of the West-Saxon Kings to its full accomplishment. He made England truly one, and he settled, for many ages at least, the great question between Southern and Northern England, between the West-Saxon and the Dane. It would be true, though it might sound paradoxical, to say that the Norman Conquest made England Saxon. The harrying of Northumberland finished the work which Ecgberht had begun, and which the West-Saxon conquerors of the tenth century, Eadward and Æthelstan and Eadmund, had carried on. William, the descendant of Scandinavian sea-kings, the destroyer of the last of West-Saxon heroes, showed himself as the true successor of the West-Saxon dynasty, which he claimed to represent. When the King wore his crown at Winchester, Gloucester, and Westminster, it was emphatically the crown of Cerdic, of Ceawlin, and of Ælfred that he wore.[2] From his day no man doubted that England was a realm which none could tear asunder. And from his day no man doubted where the headship of that realm lay, and that York was doomed to bow to Winchester and London. It is only quite lately that the balance has been in some measure restored. The great commercial and political development of modern days has given back to Northern England an importance which it had not held since the Bretwaldas of the seventh century and the Danish Kings and Earls of the tenth.

CH. XXIII.

be the King's man.

The unity of the kingdom established by William.

He decides the question between Northern and Southern England.

William the successor of the West-Saxon Kings.

Modern revival of Northern England.

[1] See vol. iv. p. 695.

[2] William of Malmesbury (Gest. Pont. 209), after remarking on the difficulty of understanding the speech of the North of England, adds, "Quod propter viciniam barbararum gentium, et propter remotionem regum, quondam Anglorum modo Normannorum, contigit, qui magis ad austrum quam ad aquilonem diversati noscuntur." So Florence (1091) incidentally assumes Wessex as the natural dwelling-place of William Rufus; "Post hæc rex de Northymbria per Merciam in West-Saxoniam rediit." There had been no special mention of Wessex before.

CH. XXIII. In future Chapters of this volume it will be my business to trace out the lasting effects of William's Conquest on our laws and constitution, our social and religious history, our language and our architecture. But, besides the effect which William's Conquest had on all these things, we must remember that William founded a dynasty. And as every later King has sprung of William's blood, that dynasty in one sense has gone on to our own time. Still there is one period of our history which is emphatically the time of the rule of William's immediate family. It is in strictness the Norman period of English history, the time when we were ruled by Kings who were strictly Norman by birth, descent, or adoption. It was a time when the rule of the King of the English was not wholly insular, as it had been before and as it was to be again, and when it was not as yet that wide dominion, insular and continental, of which England and Normandy formed but two parts out of many. It was a time when England and Normandy formed the whole dominion of their common King and Duke, and when, though his diplomacy might reach much further, his warfare was mainly waged either to keep rivals out of his own dominions, or to preserve the doubtful allegiance of the border-lands of Scotland, Wales, and Maine. And, more than this, it was during this period that the immediate results of the Conquest, as distinguished from its more far-reaching results in after times, were firmly established. It was during this time that the Norman conquerors and settlers took firm root on English soil, and learned to feel that England, and not Normandy, was their real home. It was during this time that the few direct changes which the Conquest wrought in our political and social institutions were fully established. This period takes in the reigns of the three Kings who immediately followed William. Of these the first two were William's own sons, the second of them was his English-born son. The third, Stephen of Blois,

William as founder of a dynasty.

The strictly Norman period of English history; 1066–1154.

Contrasted with the Angevin period.

Immediate results of the Conquest.

Naturalization of the Norman settlers.

The Norman Kings; William's sons, 1087–1135.

the son of William's daughter, was not in strictness a member of William's house. But he had practically become one of William's house by adoption. Brought up at the court of his uncle, bound to him by the close and endearing tie of a sister's son, carefully seeking the good will of the inhabitants of England of both races, Stephen was in truth as much Norman, as much English, as if he had come of the male line of the Conqueror. He was certainly more Norman, more English, than the Kings who came immediately after him. The difficulty is that it was only for a few years that Stephen can be said to have reigned at all; the greater part of his nominal reign must be looked upon as a time of anarchy, parting off the period represented by Henry the First from the period which begins with Henry the Second. With the accession of the Angevin dynasty a new state of things begins. England and Normandy were for a short time merely members of a vast dominion which seemed likely to grow into a common kingdom of Gaul and Britain. The final result of this state of things was that England and Normandy parted asunder, that Normandy became part of the French kingdom, while England again became the island Empire, holding for some ages a greater or less part of Gaul as a dependency of England beyond the sea. Within the land the dominion of strangers—strangers often no less to Normandy than to England—had the effect of making all the natives of England, of whatever blood or speech, feel and act as countrymen. The time during which the effects of the Norman Conquest may be looked upon as visibly working thus divides itself into two easily marked periods. The first takes in the reigns of William Rufus, Henry the First, and Stephen, so far as we can say that there was any reign of Stephen at all. The second period takes in the reigns of the Angevin Kings, from the accession of Henry the Second till England once more thoroughly became England under Edward the

CH. XXIII.

Stephen practically Norman.

Character of his reign. 1135–1154.

Foreign dominion of the Angevin Kings.

Separation of Normandy and England.

Fusion of races in England.

First period. 1087–1154.

Second period. 1154–1272.

CH. XXIII. Plan of the present narrative.

First. The former of these periods I purpose to deal with in the present Chapter, in the form of a consecutive narrative. But it will not be a narrative entering into the same detail as that in which I have told the reigns of Eadward, Harold, and William. It will be one that will deal specially with those events which illustrate the effects of the Conquest, and the relations of Normans and Englishmen to one another. It will answer to the narrative of the reigns of the Danish Kings which I gave in my first volume. The second period will, from the point of view of this History, need nothing beyond a mere sketch, such as the opening Chapter of my story, in which I pass lightly over the five centuries of English history between Hengest and Eadgar. And as, between those two Chapters, I placed what I had to say for my present purpose about the earliest institutions of England, so, between my slight narrative of the Norman reigns after William and my slighter sketch of the Angevin Kings down to Edward, I place the Chapters which are designed to treat, in the form of disquisition rather than of narrative, of the work that was going on between the Conquest of William and the accession of Henry, the effects in short of the Norman Conquest. I go on then now to take up the thread of my narrative where I dropped it, on the day when the second William left the death-bed of the first to take possession of the Crown of the conquered island.

§ 1. *Reign of William Rufus.*

1087—1100.

Analogies between the Norman and Angevin dynasties.

In the two periods of English history with which I have to deal in the present volume, a remarkable analogy may be seen between the successive stages of each. Each dynasty, Norman and Angevin, begins with a mighty

founder. If the Conqueror stands alone, or is approached among his own descendants by the great Edward only, a place next after theirs among the later rulers of England may safely be given to Henry of Anjou. William and Henry each began a great work, and each handed on his work to his successor before the final effects of his work had as yet had time fully to show themselves. There is thus an analogy between the position of the second King of each dynasty, between William the Red and Richard the Lion-Hearted. There is in truth a good deal of likeness between the two men. In each case a man of great natural gifts, of strongly-marked character, but whose powers are not directed to any one great and statesman-like object, follows a statesman of the highest order. In both reigns England itself seems to fall out of sight, as compared with schemes of continental policy, continental enterprise, and continental conquest. To the long and important reign of Henry the First there is nothing which exactly answers in the Angevin period. In some points it is a continuation of the reign of Rufus; in other points it has a character wholly its own. But the anarchy of Stephen's time answers to the longer anarchy of John and Henry the Third. Only it marks the silent advance which had been made between the two periods that the earlier anarchy sprang out of a struggle between two competitors for the Crown, while the later anarchy sprang out of a struggle between the Crown and the nation. At last, in both cases alike, light comes out of darkness and order out of chaos. In the one the power of the Crown is again restored by the statesmanship of the great Henry; in the other the power of the Assembly of the nation is again restored in a new form by the statesmanship of the greater Edward.

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Between the Conqueror and Henry the Second; between William Rufus and Richard the First.

Two periods of anarchy;

two periods of restored order.

I have said that the reigns both of William Rufus and of Richard the Lion-Hearted have a specially un-English

Comparison of the reigns of

CH. XXIII. William Rufus and Richard the First.

look. But, if we look below the surface, we shall see that this is far more true of the reign of Richard than of the reign of Rufus. Richard has strangely become a national hero, because his crusading exploits were held to shed glory on the land in which he chanced to be born and from which he drew his highest title. Thus the reign of Richard was really more un-English than it seems in popular belief. But the reign of William Rufus was really less un-English than it seems at first sight. Outwardly indeed it was a reign specially un-English, more so than the reign which went before it or the reign which followed it. It was indeed to English loyalty and valour that William Rufus owed his throne; yet, after his first delusive appeal to English loyalty, there was nothing in his days which at all answers to the studied English revival which marked the reign of his English-born brother. The old race of Englishmen was dying out; the new race of Englishmen had hardly as yet begun to show itself. Still, if William Rufus utterly belied his claim to the ancient title of King of the English, few Kings were better entitled to the new title which was just beginning to creep in, the title of King of England. His personal policy was indeed mainly continental; his chief object throughout his reign was to win and enlarge a dominion on the mainland. But he carried on his continental policy in something more than the local spirit of a mere Norman Duke. His own age looked on him as one who threatened the kingdom of France in the character of a King of England. Richard altogether neglected his island kingdom, and gave up that fuller superiority which his father had won over his Scottish vassal. William, on the other hand, never neglected to consolidate and to extend his authority in the island realm, the possession of which gave him such increased strength for his continental undertakings. In no reign between those of the two great Edwards are the relations of the

Character of the reign of William Rufus.

Rufus specially King of England.

Beginning of the rivalry between England and France.

Importance of Welsh and

Imperial Crown to its Welsh and Scottish dependencies of greater importance than they are in the reign of the second Norman King. And William Rufus is one of the few Kings since the days of the West-Saxon conquerors who, like Harold and Edward the First, enlarged the actual English kingdom by the incorporation of lands which had hitherto stood in a relation of merely external vassalage. To have annexed Normandy and Maine, to have made his over-lord at Paris tremble lest his whole realm should share the same fate—these things were but momentary triumphs. But the conquest of South Wales, the incorporation of Cumberland, the restoration of Carlisle as a border city and fortress, all these were lasting additions to the strength of the English kingdom. They mark the reign of William Rufus as a time when, if Englishmen were bowed down under a cruel yoke, England at least was mighty under a King who knew how to use her might.

CH. XXIII.

Scottish affairs.

His enlargement of the English kingdom.

With the personal character of William Rufus we are less concerned than with the political character of his reign. But the character of the man was one which had no small effect on the character of his reign. No man ever had a more distinct personality of his own. The impression which he made on the minds of his contemporaries is borne witness to by a store of personal anecdotes larger perhaps than is to be found of any King before or after him. We can see the Red King,[1] in his figure a caricature of his father, short in stature, with projecting stomach, ruddy face, and restless eye. We can hear him, in his merriment or in his anger, casting about his impious jests and shameless mockery of his own crimes, or else in his fierce wrath stammering out his defiance of God and man. His bodily

Personal character of Rufus.

Number of the anecdotes about him.

His personal appearance and habits.

[1] He is "Rex Rufus," "Li reis Ros," in a marked way, the nickname being systematically used, almost as if it were a real name. See Will. Malms. iv. 306; Ord. Vit. 672 D, 682 B; Wace, 14499-14503.

CH. XXIII. strength, his love of the chase, his military skill and daring, we may add his real gifts as a ruler whenever he chose to put them forth, all come from his father. But all that ennobles the character of the elder William is lacking in the younger. William the Great ever kept a real feeling of religion, a real respect for law, however easy he might find it to turn law and religion to his own ends. But William the Red knew no law but his own will. Instead of the austere personal virtues of the Conqueror, William Rufus was given up to every kind of riotous living, even to forms of vice which are sheltered by their own foulness.[1] Instead of the more than ceremonial religion of his father, he was a mocker and a blasphemer, not so much, it would seem, a speculative unbeliever as one who took a strange pleasure in dealing with his Maker as with a personal enemy.[2] The man who gathered together Jewish Rabbis and Christian Bishops, and offered to embrace the creed of the best disputants,[3] the man who undertook to convert back again the Hebrew youth who had forsaken the Synagogue for the Church,[4] may not have intellectually cast aside the faith which he never cast aside formally, but he had bidden farewell to the commonest decencies of his time and office. Strange to say, the King who surpassed all his fellows in vice and blasphemy was never cut off from the communion of the Church. And occasional appearances at ecclesiastical ceremonies, occasional grants to

Comparison with his father.

Vices of Rufus.

His impiety.

Rufus never excommunicated.

[1] On this matter I can do no more than refer to the words of Saint Anselm in Eadmer, Hist. Nov. 24, to the remarkable passages in William of Malmesbury, iv. 314, 316 (especially the various readings in Sir T. D. Hardy's note), v. 393, 412, and to several places in Orderic, 672 B, 680 A, 682 B, 763 C, 781 C, D. The passages must be compared together for their full force to be taken in. Cf. also Stubbs, Itinerarium, xxi. Cf. Giraldus, Vita Galfridi, ii. 19 (vol. iv. p. 423, Brewer).

[2] I refer to the words put into his mouth by Eadmer, Hist. Nov. 54. Cf. 47.

[3] Will. Malms. iv. 317.

[4] Eadmer, Hist. Nov. 46, 47. These passages have a further importance as connected with the appearance of Jews in England. See Appendix Q.

ecclesiastical foundations, show that the open blasphemer had still not separated himself by any formal act from the fellowship of Christian men. CH. XXIII.

His dutiful conduct to his father.

Yet it is clear that in the character of William Rufus there was a side which, at any rate in his own age, was not wholly repulsive. He had at least the virtues of a son. Dutiful in all things as long as his father lived,[1] he cherished his memory with all reverence when he was gone. This feeling comes out in more than one shape. The few churches towards which Rufus appears, not as a spoiler but as a benefactor, are those which owed their foundation to his father.[2] And in his wars he makes it a kind of point of honour to keep or win whatever had been a possession of his father.[3] But the phrase which I have just used, the fact that we can speak of a point of honour, opens to us that side of the Red King's character which is in every way the most instructive. William Rufus, like Richard the Lion-Hearted, is one of the heroes of chivalry. His reign indeed marks a great developement, a developement which we can hardly doubt that his personal character greatly helped, of all those ideas which, for want of a better name, we may speak of as chivalrous. For William Rufus the law of God and the law of right were words which had no meaning; but he fully understood and obeyed the law of honour. The virtues of the Christian man, the virtues of the ruler ruling according to law, the virtues of the subject obeying according to law, were of no account in his eyes. But the virtues of the knight, the gentleman, and the soldier he could both honour in others and practise in his own person. Like other chivalrous Kings, he thought but lightly of the coronation oath

Chivalrous character of Rufus.

Growth of chivalrous ideas in his time.

His sense of military honour.

[1] See vol. iv. p. 709.

[2] The chief of these were Battle Abbey and Saint Stephen's at Caen, the foundations of his father. The Waltham writer (De Inventione, 22) raises a wail over William's robberies from Waltham to enrich Caen.

[3] Ord. Vit. 769 B, C.

CH. XXIII. which bound him to his people, of the promises which he made them in his own time of need, or of the treaties by which he bound himself to other princes.[1] He did not scruple to purchase the help of men who were bound by every tie of allegiance to the cause of his enemies; but his engagements in actual war time, the engagements which bound him personally as a soldier and a knight, were always strictly kept. As the King sworn to do justice and mercy, he did not shrink from visiting innocent men with barbarous punishments;[2] but when he acted as the knight in arms, the life and limb of the prisoner of war was safe in his hands, and, when he granted a truce to a besieged place, his word remained unbroken.[3] What he practised himself he looked for from others. He refused to hearken to the suggestion that knights to whom he had granted their freedom on parole might possibly betray the faith which they had plighted.[4] We hear much of his magnanimity and his liberality[5]; but his magnanimity[6] has little in common with any true greatness of soul. It was rather an overbearing personal arrogance,[7] which made him too proud to hurt those whom he deemed personally beneath him, and which thus often led him into acts which had at least the outward look of generosity.[8] The liberality of Rufus

His "magnanimity" and "liberality."

[1] See the complaints of the English Chronicler of Rufus' breach of his promises to his subjects in 1088 and of his breach of the treaty with Robert in 1091. The phrase is nearly the same in both cases.

[2] Take for instance the punishment of William of Eu and his companions in 1096.

[3] See the story of the siege of Château-sur-Loir, Ord. Vit. 775 C, D.

[4] Ord. Vit. 772 D. "Absit a me ut credam quod probus miles violet fidem suam."

[5] See the story in William of Malmesbury, iv. 309.

[6] The meaning of the word "magnanimitas" in the language of the time is illustrated by the words of Suger in his Life of Lewis the Fat (c. 19), where he calls a certain Count Odo "tumultuosus, *miræ magnanimitatis*, caput sceleratorum."

[7] Will. Neub. i. 2. "Homo typo immanissimæ superbiæ turgidus."

[8] See in Will. Malms. iv. 320; Ord. Vit. 773 C; Wace, 15100 et seq.; Palgrave, iv. 640.

gathered around him the choicest soldiers of all lands; but the means for this bounty was found in sacrilege and oppression, in keeping churches void of pastors and in wringing tax upon tax from every class of his subjects.[1] His hand was heavy on the robber and on the murderer, save when they could either purchase their safety by a bribe,[2] or when they belonged to his own personal following. When we read of the court of Rufus, of the effeminate dress and manners and the base vices of the young nobles who surrounded him,[3] and yet when we remember that these same men were the first in every feat of arms in the battle or the siege, we seem to be carried on over a space of five hundred years. We seem to have suddenly leaped from the grave and decorous court of the Conqueror to the presence of the minions of the last Valois.

CH. XXIII.

His mercenary soldiers;

their licence.

His favourites;

analogy of Henry the Third of France.

The man so highly gifted, but whose gifts were thus fearfully abused, obtained without difficulty the Crown which his father's dying voice had bequeathed to him. He was accepted joyfully by the English, and, at least without any open opposition, by the Normans in England. A change of masters is commonly acceptable to subjects; the reign of a new King is always fertile in hopes and promises; and the worst features of the character of Rufus had as yet had but little opportunity of showing themselves.[4] There was no available English competitor; the English-born Henry was not at hand; and, as a ruler though not as a man, William was at all times to be preferred to Robert. The choice of William too would again separate England and Normandy, and such a separation, even under the son

He obtains the Crown without opposition.

[1] See Will. Malms. iv. 314, 333; Ord. Vit. 680 A, 763 C. Cf. Eadmer, Hist. Nov. 94; Chron. Petrib. 1100.

[2] Cf. Ord. Vit. 669 A, 680 A, with Will. Malms. iv. 314; Eadmer, Hist. Nov. 94.

[3] See Will. Malms. iv. 314; Ord. Vit. 682.

[4] See Eadmer, 13, 14. William of Malmesbury (iv. 312) doubtless exaggerates.

CH. XXIII. of her Conqueror, might seem like the beginning of a new day of freedom for England. The new King was crowned by the primate Lanfranc,[1] and he began to reign without a hand or a voice being raised against him. But, after the Easter of the next year, William learned that it was only the English part of his subjects who had accepted him in good faith. A revolt broke out, which was shared in by the chief men of Norman birth throughout England. At its head was Bishop Odo of Bayeux, who, released from his prison and restored to his earldom of Kent, was dissatisfied at finding that the chief place in the councils of the new King was held, not by himself, but by his brother prelate William of Durham.[2] Odo set forth the advantages which the Norman settlers in England would find by still having one prince to reign over both England and Normandy. He told them how much better it suited their interests to be ruled by the careless Robert than by the stern and active William. The chief Normans in England, Odo's own brother Robert of Cornwall, Earl Roger of Montgomery and his fierce son Robert of Belesme, Hugh the Bigod and Hugh of Grantmesnil, the younger Count Eustace of Boulogne, Bishop Geoffrey of Coutances and his nephew Robert of Mowbray, all rose in rebellion to transfer the Crown of England from William to his brother the Duke of the Normans.[3] And, in the South at least, men believed, to their wonder and horror, that the Bishop of Durham himself joined in the revolt, a deed which the English Chronicler does not scruple to liken to the deed of Judas. At Durham however men looked on William of Saint Carilef as an innocent victim of the wrong-doing of

William crowned by Lanfranc. September 26, 1087.

Revolt of the Norman nobles. Easter, 1088.

Conspiracy of Odo.

General revolt of the Norman nobles in England.

The Bishop of Durham joins the rebels.

[1] Chron. Petrib. 1087; Flor. Wig. 1087; Will. Malms. iv. 305; Ord. Vit. 663 C.

[2] Will. Malms. iv. 306. On William of Saint Carilef, see vol. iv. p. 677.

[3] William of Newburgh (i. 2) speaks the language of a somewhat later time, when he says, "Quibusdam optimatum Roberto propensiorem, tamquam justo hæredi et perperam exhæredato, favorem præstantibus."

his royal namesake.[1] On the other hand, Lanfranc and the other Bishops, a few Norman nobles, among them Earl Hugh of Chester and William of Warren, and the great mass of the English people, remained faithful to the new King. The rebels strengthened their castles; each man in his own district harried the land, especially the domains of the King and the Archbishop; and they sent to Duke Robert, praying him to send help and to come himself to take the Crown to which the common voice of the Normans in England had called him.

CH. XXIII. Loyalty of the English.

In this danger the son of the Conqueror owed his Crown to the zeal and valour of the conquered. Twice in the course of the war did Rufus put forth written proclamations, calling the sons of the soil to his standard, and lavishing all the promises which Kings are wont to lavish at moments when the help of the people is needful to them. The days of King Eadward were to come back; all wrong was to be undone; no more unrighteous taxes were to be raised; each man was again, as in the days of Cnut, to have his free right of hunting on his own land.[2] By the second proclamation the shameful name of *nithing* was to be the doom of every man, French or English, who failed to obey the summons of his lord the King.[3] The

His appeals and promises to the English people.

The name of *Nithing*.

[1] The accounts in the Chronicle, Florence, and William of Malmesbury should be compared with the long Durham version in the Monasticon, i. 244. Cf. Palgrave, iv. 31, 32.

[2] On these promises see Stubbs, Constitutional History, i. 296.

[3] I have mentioned this nithing proclamation in vol. ii. p. 104, so far as it illustrated the use of the word *niðing*. It comes out in the Chronicle in 1088, and in William of Malmesbury, iv. 306. But it is the English Chronicler alone who brings out the fact that it was addressed to all inhabitants of the land alike, both French and English; "Se cyng . . . sende ofer eall Englalande, and bead þæt ælc man þe wære unniðing sceolde cuman to him, Frencisce, Englisce, of porte and of uppelande." Walter of Hemingburgh (i. 21) gives the appeal a specially popular turn; "Convocavit Anglos, et ostendit eis seditionem Normannorum, rogavitque ut ipsum, quem de voluntate patris in regem creaverant, sibi, tanquam caput et regem, tuerentur, promittens eis quod meliorem legem quam sibi vellent eligere concederet eis imposterum et scriptura firmaret."

CH. XXIII. Exploits of the English.

English pressed around him; they promised, and they gave him, their faithful service. Fortresses held by Norman garrisons were taken; fortresses besieged by Normans were defended; a new Norman invasion was beaten back from the South-Saxon shore by King William at the head of his faithful English. The fierce Robert of Mowbray was driven from their walls by the burghers of Ilchester.[1] The Norman lords of the Welsh march, Roger of Lacy, Bernard of Newmarch, Ralph of Mortimer—some add the greater Roger himself—at the head of a host of Normans, Englishmen, and Britons, were overthrown before the walls of Worcester, smitten, as men then deemed, by the curse of the English Bishop who defended the King's cause within the city.[2] But the main stress of the war fell on the Kentish and South-Saxon lands. Here Odo held the castle of Rochester against the King; here Robert of Mortain held the castle which had arisen within a corner of the Roman walls of Anderida. First at Pevensey, then at Rochester, had the Bishop of Bayeux to surrender to the English host, and, at his second surrender, he had to march out amid the jeers and curses of the victorious army, who called on their King for halters to hang the traitor.[3] But more striking still was the turning about of things during the earlier siege of Pevensey. Duke Robert at last sent a fleet to help in an enterprise which he affected to deem too easy to need his personal presence. On the spot where the Norman followers of the first William had first landed on the soil of England, the English followers of the second William struck down or drove back

Repulse of the rebels from Ilchester

and Worcester.

War in Kent and Sussex.

Siege of Rochester.

The Norman fleet driven back from Pevensey.

[1] The siege of Ilchester—Givelceastra—strange place it now seems for a siege—is described only by Florence, 1088.

[2] For the siege of Worcester, see the Chronicle, 1088; Will. Malms. Gest. Reg. iv. 306; Gest. Pont. 285. It is told much more fully by Florence, in whose account of the deeds of his own Bishop and of his own fellow-citizens the small beginnings of a legendary element may be seen creeping in.

[3] This scene is vividly described by Orderic, 666, 669; Palgrave, iv. 45.

into the sea the new Norman invaders of England.[1] Odo and many of his fellow rebels had to leave England with the loss of their English lands and honours. Bishop William of Durham, after a trial in the King's Court which reads like a forestalling of the struggles of Anselm and Thomas, surrendered his castle and went beyond sea.[2] By the help of the English whom he had called to his standard, William King of the English was now safe upon his throne. CH. XXIII. Suppression of the rebellion in the North.

This rebellion and its suppression are among the most striking events of the time. Nothing since the coronation of the Conqueror brings out the action of the English people in so strong a light. One thing almost alone we wish to know, namely how far the vigorous action on the part of the English to which all our authorities bear witness was a common action throughout the whole land. We should gladly know how far distant parts of the kingdom agreed in obeying the summons which bade every man who was not a *nithing* to hasten to the King's standard. We would gladly know whether Mercian or Northumbrian contingents showed themselves before Pevensey and Rochester, or whether they stayed to do what they might for the defence of other parts of the kingdom. One thing at least is certain; the son and successor of the Conqueror kept his Crown through the help of English loyalty and English valour, when the greater part of the Norman lords and their Norman followers had turned against him. The campaign of 1088 was as much a war of Englishmen against Normans as the campaign of 1066; and it was the last campaign of Englishmen against Normans. From henceforth we have Prominent action of the English. The last war between English and Normans.

[1] This national exploit is told with great glee by the Chronicler, and with some further details by William of Malmesbury, who talks about "nostri," iv. 306.

[2] See above, p. 77.

CH. XXIII. civil wars, in which men of either race might be arrayed on either side; but we never again see an armed struggle between the two races. We do not again hear an appeal to Englishmen, as Englishmen, to do battle against the Norman. The next time that Englishmen are called on to do battle against strangers on their own soil, the meanings of words have changed. The descendants of the Norman settlers have now become Englishmen, and they join along with other Englishmen in withstanding new crowds of adventurers from lands which they have now learned to look upon as foreign. The campaign of Rochester and Pevensey, waged in the cause and at the bidding of our second Norman King, was in truth the last effort of the old and undefiled Teutonic England. As compared with every other effort since the great overthrow on Senlac, it shows, as everything else in these ages shows, that all that Englishmen needed was a leader. In William Rufus, strange as it sounds to say it, they had found a leader such as they had never found since the fall of Harold, a leader than whom, simply as a military leader, no better could be found. Throughout this campaign, looking at it simply as a campaign, a worthy chief was commanding worthy followers. That William Rufus was a great captain there is no room to doubt from the unanimous witness of the writers of his time. He was a King too, the head of the established government of the land, and, in fighting for him, men had all the advantages on their side which they had lacked when they were fighting against his father at Exeter and Ely.[1] Englishmen had now again a King of their own making, a King who, stranger as he was, owed his Crown to them, a King who, if he could not be as Ælfred or as Harold, might at least be as Cnut. That so it was not, that the loyalty and valour of Englishmen were utterly thrown

William Rufus the leader of the English.

[1] See vol. iv. p. 5.

away, was not the fault of the new King's position, it was not the fault of his intellectual or his military capacity; it was the inherent fault of his moral nature. It was not in him to be as Cnut; it was not in him to be even as his own father. The promises which he made to win English support were forgotten as soon as English support was no longer needed. In the sad and pithy words of the Chronicler, 'It stood no while.' It is not clear that Rufus deliberately oppressed Englishmen as Englishmen, more than he oppressed other classes of his subjects. His reign is rather a reign of general wrong-doing towards men of all ranks and races, the mercenary soldier, of whatever race, alone excepted. But, under the circumstances of the time, the oppression of William could not fail to press most heavily on men of English birth, and the agents of his misdeeds could not fail to be mainly chosen from among the ranks of strangers.

CH. XXIII.

His breach of all his promises.

His general oppression of all races and classes.

In the year after the rebellion was put down, William was released from another check upon his actions by the death of the Primate Lanfranc. It is said that differences had already begun to spring up between him and the King.[1] In the next year we come to the beginning of a series of events which brought England into relations with the mainland of Europe which were wholly unlike any in which the island kingdom had found itself before. A King of England—for if Rufus had forfeited his right to be looked on as King of the people, he was in the fullest sense King of the land—uses the strength, and, above all, the wealth, of England to win for himself a continental dominion. The great object of Rufus was to win for himself his father's duchy, and to add to it once more his father's

Death of Lanfranc. May 24, 1089.

Beginning of the foreign wars of Rufus.

His designs on Normandy,

[1] See Eadmer, 14.

CH. XXIII. Maine, and Aquitaine.

conquest of Maine. In his later years his dreams of conquest seem to have stretched more widely still. He is said to have bargained for the possession of Aquitaine,[1] a possession which would have enabled the lord of Normandy and Maine to hem in the hostile land of Anjou on both sides. It is even said that he dreamed of displacing his over-lord on the throne of Paris, and of thus uniting all Gaul and Britain into one Empire.[2] Such schemes may not have been too wild for a man who was at once so puffed up with pride and so conscious of real strength as the Red King. But the more distant and daring parts of his schemes never got beyond the stage of dreams. The dealings of Rufus with Aquitaine never got beyond an alliance with its Duke. His schemes for the conquest of France never got beyond desultory border warfare. But Normandy and Maine he did win by the combined strength of gold and steel, and he died in full, though only recent, possession both of his father's inheritance and of his father's greatest continental conquest.

Anarchy of Normandy under Robert.

A more scrupulous prince than William Rufus might have held that the help which Robert had given to the rebels in England formed a just *casus belli* against him. And Normandy was just now in a state which, to a prince like William Rufus, must have seemed absolutely to invite invasion. Things had come about as William the Great had foretold on his death-bed. As soon as his controlling hand was gone, Normandy fell back into the state of anarchy into which it had fallen in the days of his childhood. Under Robert the land was again given up

[1] The dealings of William Rufus with William of Aquitaine come out in Orderic, 780 B, C. His object is said to be "ut usque ad Garumnam fluvium imperii sui fines dilitaret." It must be remembered that the Aquitania of these times lay north of the Garonne, while the Aquitania of Cæsar lay south.

[2] Suger, Vit. Lud. 1; Duchesne, iv. 283. "Dicebatur equidem vulgo regem illum superbum et impetuosum aspirare ad regnum Francorum."

to disorders of every kind, among which the private wars of the great nobles hold the first place.[1] The treasures of the Conqueror were quickly squandered by his weak and prodigal son, and Robert was soon glad to make over to his youngest brother Henry the whole western part of the Duchy. With three thousand pounds out of the five which his father had left him,[2] the Ætheling bought the Côtentin and the Avranchin. The relations between the three brothers were shifting;[3] Henry was deprived of his dominions, and was even imprisoned by Robert; but he was again invested with his fief, and, at the time when war broke out between William and Robert, Henry was not only in possession of his principality, but was acting vigorously on behalf of Robert. Of William's two weapons, the wealth of England and the arms of the mercenaries whom that wealth enabled him to hire, he began his work with the less dangerous. William's schemes were almost carried out for him before he had himself crossed the sea, and before a blow had been struck in his cause. A crowd of nobles on the eastern side of Normandy, won by his gifts and promises, received his garrisons into their castles, and acknowledged him as their lord for their lands in Normandy. It is plain that some of the arguments by which men in England had

CH. XXIII.

Henry in the Côtentin.

William's use of money.

Castles in Normandy betrayed to him. 1090.

[1] These private wars fill a larger space in the history of Orderic than the wars between William and Robert. See for instance 684-693, in the middle of which (691 A, B) comes the moral comment; "Ecce quibus ærumnis superba profligatur Normannia, quæ nimis olim victa gloriabatur Angliâ, et naturalibus regni filiis trucidatis sive fugatis, usurpabat eorum possessiones et imperia. Ecce massam divitiarum quas aliis rapuit, eisque pollens ad suam perniciem insolenter tumuit, nunc non ad delectamentum sui sed potius ad tormentum miserabiliter distrahit." Appropriate scriptural and classical illustrations follow.

[2] For the different versions of the sale of the Côtentin to Henry, see Orderic, 665 C; Will. Malms. v. 392; Wace, 14500 et seqq. I have mainly followed Orderic.

[3] Will. Neub. i. 2. "Henricus frater junior, laudabilem præferens indolem, duris et infidis fratribus militabat."

CH. XXIII. been led to revolt against William on behalf of Robert could now be turned the other way. So far as it was for their interest to have one lord rather than two, that object could now be gained only by putting William in possession of Normandy; there was not the faintest chance of putting Robert in possession of England. Among those who in this way came over to the cause of William, we find the names, already so familiar to us, of Ralph of Mortemer, Ralph of Toesny, the aged Walter Giffard, and the King's cousin Stephen, lord alike of Holderness and of Aumale.[1] Stephen's castle of Aumale was the first fortress on actual Norman ground to pass into the allegiance of William. But his agents had already received the surrender of the castle of Saint Valery, in the Ponthevin fief of Normandy.[2] William thus, in his absence, began the conquest of Normandy from the spot from whence his father had set forth in his own person to the conquest of England. Before long nearly all Normandy on the right bank of the Seine had come into the hands of Rufus. One district alone remained faithful. Helias of Saint Saen, who had married a daughter who had been born to Robert in his wanderings, defended the castle of Arques, the scene of one of the Conqueror's earlier exploits,[3] and the whole land of Caux, with a desperate fidelity which he went on to show in after years both to Robert and to his son. At last the movement reached the capital. The citizens of Rouen, if they had not actually thought of founding a *commune* like the citizens of Le Mans, were at least a rich and powerful body, under a demagogue or tyrant—for he had wealth to hire

William obtains Saint Valery.

Helias of Saint Saen faithful to Robert.

Movement at Rouen under Conan on behalf of William.

[1] Chron. Petrib. 1090; Ord. Vit. 681 A.

[2] Saint Valery is not mentioned by Orderic, but it comes first in the list in the Chronicle, which is followed by Florence and William of Malmesbury (iv. 307).

[3] See vol. iii. p. 127.

mercenaries of his own—Conan by name.[1] The burghers now embraced the cause of William. They deemed perhaps that the more distant master would be the safer, and we must remember too that the state of lawlessness which might have charms in the eyes of turbulent nobles could have none in the eyes of the citizens of a great city. Rouen then rose for the Red King. Henry came to the rescue of the feeble Duke; a fight took place within the city; the citizens, vanquished within their own walls, were handed over to the mercies of the nobles on Robert's side, and Conan himself was hurled by the hands of Henry from the highest tower of the castle of Rouen, after a manner which reminds us of the fate of Eadric.[2] CH. XXIII. The revolt suppressed and Conan put to death by Henry.

But all this comparatively petty strife, strife which seems hardly to touch the interests of England, leads us to another stage in our national history—it might not be too much to say, to another stage in the history of Europe. It is not clear whether it was before or after the suppression of the sedition at Rouen that the successes of William's arms drove his brother to a step the like of which had not been heard of in Normandy since the early days of the reign of their father. It is now that we come to the first stage of the long warfare between England and France. We cannot give that name to the intervention of English Kings in earlier times to defend the rights of the Karling at Laon against his turbulent vassal at Paris. Nor can we give that name to the warfare in which a Duke of the Normans, whom his sword had also made King of the English, waged against his lord at Paris for the possession Beginning of warfare between England and France.

[1] The story of Conan is told by Orderic (689, 690) and by William of Malmesbury (v. 392).

[2] He is thrown "ex propugnaculo" according to William of Malmesbury, "per finestrem terris", according to Orderic. Cf. vol. i. p. 647.

CH. XXIII. of the border-land of Normandy and France. We have reached another state of things when we see, for the first time, Paris and Rouen leagued together against Winchester. Duke Robert, pressed by his brother's arms, craved his lord the King of the French to come to his help. As Henry came to help the elder William at Val-ès-dunes, so Philip came with a great host to help Robert against the younger William before the walls of some castle whose name is not told us, but within which the King of England's men were. The fortress was delivered by the arms which the Red King so well knew how to use. What followed is best told in the pithy words of the Chronicler; "The King William of England sent to Philip King of the French; and he for his love or for his mickle treasure forlet so his man the Earl Robert and his land, and went again to France, and let it to them so be."[1]

Philip helps Robert.

Philip bribed by William.

Robert, forsaken by his over-lord, was thus left to his own resources, such as those resources were in a land where the private wars of his nobles never ceased for a moment, though two kingdoms were thus stirred on behalf of the two competitors for the duchy. Early in the next year William crossed the sea, rather to take possession of his conquest than actually to push his arms any further. At the head of a host gathered not only from Normandy and England, but from France, Britanny, and Flanders, he took up his head-quarters in the castle of Eu. Most of the nobles of Normandy flocked to welcome him; resistance on the part of Robert was hopeless; he was glad to save part of his dominions by the surrender of another part which he had no hope of winning back. A treaty between the brothers was agreed on at Caen under the mediation of the

William crosses to Normandy. February, 1091.

Submission of the Norman nobles at Eu.

Treaty between William

[1] Chron. Petrib. 1090. Compare the amusing description given by William of Malmesbury, iv. 307.

CH. XXIII.

King of the French.[1] By its terms William was to keep the castles and towns were he had been received, forming a territory which hemmed in the Norman capital both to the east and to the south.[2] On the other hand, William engaged to win back for Robert whatever possessions of their father were not by the treaty especially assigned to himself. This clause would take in, not only all the lands granted to Henry, but also the county of Maine, which, we shall soon see, was again in revolt. It was further stipulated that, on the death of either prince without lawful issue, the whole of his dominions should pass to his surviving brother. The partisans of William in Normandy were to suffer no harm, and those who had suffered banishment or confiscation for their share in the rebellion against William in England were to be restored. Odo was, either formally or practically, shut out from the benefit of the treaty. But William of Saint Carilef came back, to begin the rebuilding of the minster of Saint Cuthberht,[3] and to appear again, with all his old influence, as the chief adviser of the Red King and the chief opponent of the holy Anselm.

and Robert at Caen.

Cessions to William.

Stipulations as to the succession in England and Normandy.

Robert's partisans in England restored.

The article in the treaty which regulated the succession to the Crown is worth notice from a constitutional point of view on more grounds than one. The rights of the Witan of England, none the less legally valid because they were now practically exercised by men of Norman birth, were signed away by a clause which cut them off from their free right of choice on the death of the reigning King. That clause too specially shut out the one member of the reigning family who by the law of England had a claim to

Question of the succession; attempt to bar the right of election.

Exclusion of Henry.

[1] Compare Orderic with the Continuator of William of Jumièges, viii. 3.

[2] The terms are nowhere so clearly stated as in the Chronicle, 1091. The Chronicler alone mentions Cherbourg (Kiæresburh) among the places to be ceded, but in his mention of Fécamp he is confirmed by the Continuator of William of Jumièges.

[3] See vol. iv. p. 677.

CH. XXIII. any special preference at the hands of the electors.[1] It is hardly worth while to discuss the ingratitude of Robert towards a brother who had saved his capital for him. It is enough to mark that at this time William and Robert were leagued against Henry. William's object was to secure himself against all competitors for the Crown, whether in his own family or elsewhere. For, while he thus annulled both the present and the future rights of his brother Henry, he also called on Robert to refuse all further shelter to the Ætheling Eadgar, now his intimate friend and counsellor, and to confiscate the lands which he had granted to him in Normandy.[2] It is needless to say that all these provisions came to nothing. Both Henry and Eadgar appear at a later time in the full favour and confidence of Rufus, and it was to Henry and not to Robert that his Crown passed at his death. In short, this attempt to regulate the succession before the vacancy came to as little as every other earlier attempt of the same kind had come.[3] But the agreement none the less points to the growth of certain political ideas which were at this time struggling into being. Every agreement of this kind goes on the supposition that a kingdom is not an office to be bestowed by the nation according to its free choice, but a property to pass according to the will of the last holder, or according to the accidents of hereditary succession. The kingship of England, the highest office in the kingdom of England, was made the subject of bargain and treaty, as if it had been a house or a field. This doctrine, the doctrine which was in the end utterly to supplant the elder Teutonic notion of the kingly office, was implied in Cnut's promise to secure the Crown of England to the children of Emma.[4] It was implied in William's claim to succeed his kinsman Eadward, whether by virtue of a bequest or by

Provision against Eadgar.

The attempt to settle the succession fruitless.

Growth of the notion of property in the Crown, and therefore of hereditary succession.

[1] See vol. iv. p. 791.
[2] See vol. i. p. 533.
[3] Chron. Petrib. 1091.
[4] See vol. i. p. 454.

virtue of nearness of kin. It was implied now in an agreement which took for granted that a possible son of Rufus would of right succeed to his Crown, and which, in failure of such son, guaranteed the succession of Robert, to the prejudice of the right of the nation to choose Henry, Eadgar, or whom it would. But we may mark further that a new consideration is brought in, which was unheard of when William the Bastard put forth his claim to the succession of his childless cousin. His sons, both of them unmarried, display an unlooked-for respect for legitimate birth, and they carefully shut out all pretenders who might be open to the same reproach as their own father. The practical object of the clause doubtless was to cut off all pretensions on the part of the sons who had been already born to Robert.[1] It would thus greatly increase William's chance of succeeding to Normandy. Still the provision none the less marks the growth of the new ideas. If the rule of men is to be dealt with as a property, which goes, like other property, according to some definite line of succession, that definite line of succession can hardly fail to be strictly confined to kinsmen of legitimate birth. No order of succession established beforehand can afford to follow any standard except that which is implied in the rule, "Pater est quem nuptiæ demonstrant." But when an office is bestowed by election, Dunois or Monmouth, Harold Harefoot or William the Great, may have as good a chance as their legitimate brothers or cousins. Their fitness for office may be greater, and in early times the sentiment which required kingly descent in a King would care little whether that descent was strictly according to the rules of either Canon or Civil Law. The strong opposition made to William the Bastard in Normandy, as compared with the slight opposition made to Harold Harefoot in England, marks a characteristic difference in feeling

CH. XXIII.

Increased importance of legitimate birth.

Exclusion of Robert's sons.

Cases of William the Bastard and Harold Harefoot.

[1] See vol. iv. p. 645.

CH. XXIII. between the two countries. William was objected to directly on the ground of his illegitimate birth; against Harold it was simply whispered that the supposed son of Cnut and Ælfgifu was not really the son of either of his alleged parents.[1] That is to say, the whole range of ideas of which strictness as to legitimacy of birth forms part had made further advances in Normandy than it had in England. The present stipulation marks a further advance. It marks a further step in the process by which an office bestowed by the will of the people, restrained only by a feeling of reverence for one kingly stock, was changed into a possession to be dealt with like the rest of a man's lands and goods. The right and duty of being a judge in peace and a captain in war over the people of England was now bartered and bargained away, as if it had been nothing more precious than the soil covered by the castles of Eu and Aumale or than the castles by which their soil was covered.

War of William and Robert against Henry.

Siege of Saint Michael's Mount. February—March, 1091.

Stories of William and Robert.

The immediate consequence of those provisions of the treaty by which the possessions of Henry were to pass to his brothers was a war waged against him by the King and the Duke. A struggle so unequal was chiefly memorable for the siege which Henry stood in the great monastic fortress, Saint Michael in Peril of the Sea.[2] And the siege itself is chiefly memorable for two familiar and characteristic anecdotes of the two brothers. It was now that Rufus, according to the well-known tale, took into his service the daring soldier who had unhorsed him.[3] The tale is still better known how Robert allowed the besieged to supply themselves with water, how Rufus mocked at such untimely tenderness, and how Robert asked whether he was to let his brother die of thirst.[4] The

[1] See vol. i. p. 453.

[2] This siege is described in Will. Gem. viii. 3; Ord. Vit. 697 A; Will. Malms. iv. 308; Wace (whose whole account is full of confusions and transpositions), 14700 et seqq.

[3] This story is told by William of Malmesbury, iv. 309.

[4] Will. Malms. iv. 310; Wace, 14798.

upshot of the war was that Henry was driven forth landless, but that he was presently called on to accept the lordship of Domfront as its protector against the fierce Robert of Belesme.[1] Domfront became a specially cherished possession of Henry for the rest of his days, and, during the later transactions between William and Robert, we find its new lord in favour with Rufus, and enlarging his dominions, partly by his own efforts, partly by his brother's grant. CH. XXIII. Henry at Domfront.

For more than three years there was peace between William and Robert, between England and Normandy. Presently strife was again stirred up between the brothers, chiefly, we are told, through the plots of Count William of Eu.[2] We hear of a challenge sent by Robert to William,[3] and of another campaign of William in Normandy, in which his success was, to say the least, much less decided than in the former one. King Philip again appears as the ally of Robert, to be again persuaded by English gold to forsake his ally.[4] But this was not till Philip and Robert had won some successes against the invader.[5] The war lingered on, and the internal disturbances in Normandy went on alongside of it, till at last the strife of the brothers was ended by one of the great events in the world's history, by the side of which the affairs of Normandy and England seem but as trifles. The voice was heard which bade Christian men go forth and win the remission of their sins by the redemption of the Holy Land from its infidel oppressors. Urban spake at Clermont, and those who heard him said with one voice that "God willed it."[6] In the words of our own Chronicler, French disputes stirred up by William of Eu. 1093. Campaign of 1094. Beginning of the Crusades. 1096.

[1] See Will. Gem. viii. 3; Ord. Vit. 698 C, 706 C, 788 B; Wace, 14767.

[2] The action of William of Eu comes from Florence, 1093.

[3] Chron. Petrib. 1094.

[4] Ib.

[5] Ib. Hardly a word of this second invasion is to be found in Orderic, William of Malmesbury, or Wace.

[6] On the Council of Clermont, see Bernold, 1095, Pertz, v. 463; Orderic, 719 C; and, far more fully, William of Malmesbury, iv. 345–348.

CH. XXIII. "This year eke to Easter was there very much stirring through all this nation and many other nations, through Urban that was hight Pope, though he nothing had of the settle at Rome. And went unnumbered folk with wives and children, to that that they would win upon the heathen nations."[1] The only class of men who had no share in the great pilgrimage were the Kings of the West. The Emperor Henry was still the excommunicated enemy of the Church, and, while Christendom was stirred at the voice of Urban, Wibert—Clement on the lips of his own followers—still held the strongest fortress and the two most revered sanctuaries of Rome.[2] The Cæsar of the West was not likely to go and risk himself in the East, at the bidding of a Pontiff whom he disowned and who had stirred up his own son to rebellion against him.[3] Philip of Paris had no mind for distant enterprises, and he too, like the Emperor, lay under the censures of the Church. His crime was a moral one, an adulterous marriage with the wife of Count Fulk of Anjou, the famous Rechin, the historian of his house.[4] And William of England, who, for the craft of the soldier and the ruler, might have been a worthy leader of the hosts of Christendom, thought only of making his own profit out of an enthusiasm which, to his mocking soul, must have seemed like madness.[5] The days when Emperors and Kings led Crusades were yet to come; the first and greatest of these armed pilgrimages marched, so far as it marched under any regular command at all, under the command of princes of the second order. A crowd of names famous in Norman

No share in this Crusade taken by the Kings.

The first Crusade. 1096.

[1] Chron. Petrib. 1096. The not very reverential description of Urban may be compared with the expressions quoted in vol. iv. p. 437.

[2] See Bernold, Pertz, v. 455, 457; Milman, iii. 215.

[3] Bernold, v. 456, 461, 463.

[4] Ib. 461.

[5] Will. Neub. i. 2. "Dum in oriente a nostris proceribus fortiter atque feliciter ageretur, idem Rex, propellentibus eum ad interitum malis suis, condignum effrænatæ superbiæ finem incurrit."

and English history stand forth on the list of pilgrims. CH. XXIII.
Highest among them was the Norman Duke himself. Duke Robert joins the pilgrimage.
Robert, wearied out with the hopeless task of wielding the rod of his father in his native duchy, went forth to win himself a higher fame among the foremost in the champions of the Cross. Under him marched, not only his own continental subjects and neighbours, but such Englishmen as were stirred up to take a part in the distant enterprise.[1] Englishmen serve under him.
And, stranger still, Englishmen serving in those distant lands under the banner of the Eastern Cæsar, Englishmen who had fled from their own island to escape the yoke of his father, men who had fought at Dyrrhachion,[2] perhaps even at Senlac and at Stamfordbridge, could, when they met so far from the scene of their old strife, hail the son of their Conqueror as their natural friend and ally.[3] His reception by the Warangians at Laodikeia.

[1] Ord. Vit. 741 D. "Rodbertus Dux Normannorum cum xv. millibus Cenomannorum, Andegavorum, Britonum, et Anglorum."

[2] See vol. iv. p. 629.

[3] This fact comes out in a very remarkable passage of Ralph of Caen, which I might not have lighted on if it had not been referred to by Lappenberg (Norman Kings, 282). The Crusaders are before Antioch, when Ralph tells us (Gesta Tancredi, c. 58; ap. Muratori, v. 305), "Abscesserant interea ex castris exosi tædio comites, Blesensis in Cyliciam, Loodiciam Normannus: Blesensis Tharsum ob remedium egestatis, Normannus ad Anglos spe dominationis. Angli ea tempestate Laodiciam tenebant, missi ab Imperatore tutela, cujus fines vagus populabatur exercitus, ipsam quoque cum violentia irrumpere tentantes. In hac formidine Angli assertorem vocant præscriptum comitem, consilium fidele ac prudens. Fidei fuit fidelem domino suo virum, cui se manciparent, adsciscere; jugo Normannico se subtraxerant, denuo subdunt; hoc prudentiæ; gentis illius fidem experti, et munera facile redeunt unde exierant." It seems more likely that these English at Laodikeia were, as this account calls them, Warangians in the Imperial service than that a special English fleet had made its way to Antioch, and that its crews had gone thence to Laodikeia. This is the account of Raymond of Agiles (Gesta Dei per Francos, 173): "Angli, audito nomine ultionis Domini nostri Jesu Christi, in eos qui terram nativitatis Domini et Apostolorum ejus indigne occupaverant, ingressi mare Anglicum, et circinata Hispania, transfretantes per mare Oceanum, atque sic Mediterraneum mare sulcantes, portum Antiochiæ atque civitatem Laodiciæ, antequam exercitus noster per terram illuc veniret, laboriose obtinuerunt." On the meaning of this passage, see Lappenberg, Norman Kings, 284.

CH. XXIII. Eadgar joins the Crusade. After 1097.

And Robert was presently joined on his march[1] by his bosom friend and counsellor, the last male of the house of Cerdic. Eadgar now set forth on the longest of the many journeys which bore him from Hungary to England, from England to Apulia, and from Apulia to Scotland. And with him marched a follower of English birth, whose exploits and whose glorious end make us long to have a fuller knowledge of him. This was Robert the son of Godwine, whose father's name appears in the great Survey as a tenant of the Ætheling. We are told that Godwine himself saved the fame, perhaps the life, of his lord in a judicial combat in the days of the Red King, and that his son Robert became renowned for his exploits under Eadgar's leadership in the wars of Scotland. He now followed the Ætheling to the Crusade; he saved the life of King Baldwin in a sally from beleaguered Rama, and, himself the captive of the infidels, rather than deny his Redeemer, he bore the doom of Eadmund and Sebastian in the market-place of Babylon.[2] After such a hero as this, one almost blushes to record the names of other men famous in our story who went on the same errand. Two such there were, foremost among the enemies of England, one of them her own apostate son. Ralph of Wader, traitor alike to England and to her Conqueror, went forth to do some deed in his later days which should wipe out the memory of his earlier treasons.[3] And in the same band set forth on his last journey the man who had been so long the scourge of England, now cast down from his Kentish earldom to the more peaceful duties of his bishoprick of Bayeux. Along with Eadgar and Robert, Odo the brother of the Conqueror set forth on the great march for Jerusalem, to leave his bones at Palermo.[4]

Exploits and martyrdom of Robert the son of Godwine.

Ralph of Wader joins the Crusade;

and Bishop Odo.

[1] Robert set out in 1096; as Eadgar was engaged in Scotland in 1097, he could not have been one of Robert's original followers.

[2] See Appendix R. Babylon of course is Bagdad.

[3] See vol. iv. p. 591.

[4] See vol. ii. p. 212.

Robert, with all his faults, was, as we have seen more than once, far from being incapable of generous feeling. We may be sure that few men in the crusading host went forth in fuller and truer singleness of purpose. To Rufus, to Henry also, the great movement which stirred all Christendom was but a means for promoting their own personal interests. Others might go to the ends of the earth to win fame in this world and salvation in the next; they stayed at home to reap what profit they could out of their neighbours' madness. Duke Robert was ready to pledge to his brother what was left of his duchy for the sum of ten thousand marks.[1] The bargain was a good one for the Red King. Robert might never come back from his distant warfare; if he did, the wit of Rufus would be able to devise some excuse for refusing to give up what he had actually in possession. By laying a heavy tax on his subjects in England of every rank, a tax which called forth the bitterest complaints, the King raised the money. The land was bowed down by his exactions, and, as often happened, hunger came in their wake.[2] But Rufus gained his purpose; in September he crossed the sea; he made peace with his brother, he paid the money in full, and took possession of so much of the duchy as was not already in his hands.

Robert pledges Normandy to William, September 1096.

England taxed for payment of the money.

The acquisition of Normandy by William Rufus becomes an event of European importance when we look on it as the beginning of the long wars between England and France. Those wars were the natural consequence of the union of England and Normandy under a single sovereign. Between England and France, as long as a distinct and practically independent Normandy lay between them, there could be few grounds of quarrel. Winchester and Paris could have

Beginning of the wars between England and France.

[1] T. Wykes (1095) oddly enough makes him pledge the duchy to *Henry*.

[2] Chron. Petrib. 1096; cf. vol. iv. p. 698.

CH. XXIII. but small dealings with one another for good or for evil, as long as Rouen blocked the way from the one to the other. The only dealings of any importance between the two countries had been when the Duke of Paris sent to seek for a King in England, and when the English King stepped in to defend the rights of the nephew whom he had allowed to cross the sea.[1] Between France and Normandy there was a natural rivalry by land; between England and Normandy there might easily be a rivalry by sea; but between France and England, as political geography then stood, there could be no rivalry at all. But such a rivalry was sure to begin as soon as the duchy which lay between them was joined under one ruler with either the insular or the continental kingdom. At different times the long rivalry took both these forms; first the union of Normandy with England, then the union of Normandy with France, made France and England lasting enemies. As soon as the Duke of the Normans became King of the English, England was, without any interest of her own, from the force of mere dynastic causes, dragged into the long-standing quarrel between the King of Paris and the mighty vassal who shut him out from the mouth of the Seine. During the Conqueror's reign over England, the quarrel with France became of importance only for one moment at its very end; and the separation of England and Normandy at his death brought things back for a while to their former state. But, when England and Normandy were again united under Rufus, wars between France and the joint sovereign of England and Normandy again began. The second reign of Robert once more made things as they were; but, from the final conquest of the duchy by Henry the First, wars between England and France fill the chief place in our military history down to very late times indeed. And

Relations between England, Normandy, and France.

[1] See vol. i. pp. 224, 228.

under Henry we see for the first time, what has been seen in so many later struggles down to the days of our fathers, the banding together of continental and insular Teutons, the Saxon of Germany, the Saxon of Britain, and in the first stage we may add, the Saxon of Normandy, against the common enemy of their common race. And, though these wars were waged for Norman interests under Norman Kings, they soon grew into national English wars. The border struggle which, in the days of Rufus, began between the new master of Normandy and the Parisian King, puts on in the records of the time, both French and Norman, the character of a war between France and England. We sometimes seem to be reading the language of the Hundred Years' War. Not only are the combatants constantly spoken of as French and English—an opposition of words which in England has such a different meaning — but the chief French historian of the time thinks it needful formally to lay down the doctrine that for the French to rule over the English and for the English to rule over the French is alike unjust.[1] Nor is this merely that confused way of speaking by which all the subjects of a prince are often called by the national name of that part of them from whom their common sovereign draws his highest title. From the point of view of a French writer the war really was an English war. The native English indeed, as a nation, could have no real interest in helping William Rufus to make conquests beyond sea. They could gain nothing by bringing other lands under the yoke of the foreign oppressor who had so cruelly belied the promises by which he had won their own loyal service. The French

CH. XXIII.

Aspect of the war in French eyes.

Position of the English towards the war.

[1] Orderic (766) several times speaks of the forces of Rufus as "Angli," and of Rufus himself as "Anglicus Rex." (To be sure he had, yet more strangely, in 655 D spoken of the Conqueror as "Angligena Rex.") Suger, in his Life of Lewis the Fat (Duchesne, iv. 283), speaks throughout in the same way, and he puts forth the formal position, "nec fas nec naturale est, Francos Anglis, imo Anglos Francis, subjici."

CH. XXIII. war seems to have drawn to itself but little notice in England; the national writers, who have much to tell us about the wars in Normandy, something about the war of Maine, are silent as to the war on the French border. Yet, as the war was certainly waged with English treasures,[1] we may be sure that, in the days of the second William no less than in the days of the first,[2] the valour and the blood of English troops were spent in winning foreign dominion for their foreign masters. And when men are once under arms, the military instinct so thoroughly absorbs every other, that we may be sure that Englishmen fought for William Rufus with hardly less zeal before the fortresses of the Vexin than they had fought for him before Pevensey and Rochester. But, besides this, the war was, in French eyes, more truly an English war on other grounds. The prince who came against France was no longer a Duke of the Normans who had conquered England, but a King of the English who had used the strength and wealth of England partly to conquer, partly to purchase, Normandy. That he himself and his chief followers were of Norman birth made little difference in such a view. That the object of Rufus was certainly not to extend the power and the renown of England as England, but simply to bring under his own personal power whatever he could lay hold of anywhere, mattered as little. Politically, the war was an English war; it was a war in which England as a power, though its resources might be in the hands of strangers, began to win for itself an European position which it had never held before. It was the second time that England under a foreign ruler had become the centre of a wide-spreading system of foreign conquest. It had been so

Employment of English troops and treasures.

The war politically an English war.

[1] Both Orderic and Suger harp on this point. Rufus (Suger, iv. 283) is "opulentus et Anglorum thesaurorum profusor, mirabilisque militum mercator et solidator."

[2] See vol. iv. p. 557.

under Cnut; it was again beginning to be so under Rufus. CH. XXIII.
But under Cnut the policy and the warfare of which England was the centre was confined wholly to the North. In Southern Europe Cnut appears in true history[1] only as a peaceful pilgrim. The Dane made England the centre of schemes which were natural to the Dane; the Norman made her the centre of schemes which were no less natural to the Norman. The schemes of Rufus perhaps stretched as far in their own direction as those of Cnut. Cnut had made himself the head of all the nations of Scandinavian speech; Rufus was striving to make himself the head of all the nations of the Latin speech of Gaul. At Paris, as we have already seen, men believed that his object was, not merely to extend the borders of Normandy at the expense of France, but to add the French kingdom itself to his dominions. He sought to reign in the island of the Seine as he reigned in the island of the Thames, and to receive the unction of Rheims as he had received the unction of Westminster.[2] It is more certain that he aimed to hem the French kingdom in from the south as well as from the north. The last scheme of his busy reign was his negotiation for receiving the duchy of Aquitaine from its crusading Duke by the same means by which he had already in the like case won for himself the duchy of Normandy.[3]

Comparison and contrast between William Rufus and Cnut.

Designs of Rufus on Gaul in general.

He aims at the Crown of France.

His negotiations with William of Aquitaine. 1100.

It is in truth in the Hundred Years' War that we must

[1] See the legends in vol. i. p. 504.

[2] See above, p. 82. The same notion also comes out in a wild form in Geoffrey Gaimar's confused story of William's conquest of Maine, where he is made to carry his scheme further still;

"Par tote France les barons
Le dotoient come uns léons.
Tresq'à Peiters ne remist bier
Qu'il ne fist vers li encliner.
Pur sa nobilité si grant,
Tuit si veisin li sont clinant;
Et s'il péust auques régner,
A Rome alast pur chalenger
L'ancien droit de cel païs
Que i avoit Brenne et Belins."
(Chroniques Anglo-Normandes, i. 39.)

[3] See above, p. 82.

CH. XXIII. Analogy with the Hundred Years' War.

seek for the parallel to the French war of Rufus. There were plenty of struggles in intermediate times between Kings of England and Kings of France. But the early Angevins were cut off from any true parallel with the times before and after them by the mere extent of their possessions beyond the sea. It can hardly be said that Henry the Second and Richard the First, reigning from the Channel to the Pyrenees, were Kings of England in the first place. They were rather great French princes whose insular kingdom was, in all but formal rank, something secondary. But William Rufus and Edward the Third were strictly Kings of England, whose power was in the first place English, but who held a continental possession, Normandy in the one case, Aquitaine in the other, which led to their using the power of England for continental purposes. But in all these cases the effects of success on the part of the King of England would have been much the same. Had William Rufus succeeded in the design which the French historian attributes to him, things would doubtless have turned out much the same as if Edward the Third or Henry the Fifth had succeeded in the same design. In any one of the three cases, the conquest of France by English arms could hardly have failed to lead, at all events for a while, to the political subjection of the conquering state to the conquered. But such a state of things would have been far more likely to last in the eleventh century than it was in the fourteenth or the fifteenth. In the fourteenth and fifteenth centuries a national English spirit had again arisen, which would not have endured a moment of conscious inferiority to a foreign state. Suger's alternative would have come into play; and, if the choice had been whether England should be ruled from Paris or France from Westminster, no Englishman would have accepted the former horn of the dilemma. But in the days of Rufus, English national feeling was for a moment crushed.

CH. XXIII.

Englishmen had for years learned to submit to the rule of a French-speaking prince, whose orders came as often from Rouen as from Winchester. If his orders came from Paris instead of from Rouen, it could make but little difference to those to whom Paris and Rouen were alike strange. A conquest of France by William the Red would have been a far heavier blow to the independence, the greatness, the national life, of England than the Conquest of England itself by William the Great.

Possible subjection of England to France.

The war itself, the first war in which an English King, as he seemed in the eyes of his enemies, went about to conquer France, was not waged on a scale at all answering to the greatness of the interests at stake. The French historian dwells on it chiefly as the earliest scene of the prowess of his own hero, Lewis the son of Philip, the first of the Parisian Kings who bore the softened form of the old Frankish name, and who is distinguished from his many later namesakes by the nickname of the Fat. It is a war which supplies no remarkable incidents, personal or political; unless we reckon as such that the famous Robert of Meulan, the Achitophel of his time, the son of old Roger of Beaumont, who had himself commanded a French contingent at Senlac,[1] and who held lands alike in France, Normandy, and England, found it to his interest to let his allegiance follow his great estate in his adopted country. He surrendered his French castles to the Red King,[2] and became one of his most special counsellors. We may notice too the distinction which the French historian draws between the fate of the prisoners of war on the two sides, a distinction characteristic of a warfare in which one side fought with steel only and the other side with both steel and gold. English prisoners—it is hard not to fall into the way in which our authorities speak—were speedily

Character of the War with France. 1097.

Appearance of Lewis the son of Philip.

Robert of Meulan joins William.

Treatment of prisoners on the two sides.

[1] See vol. iii. p. 488; iv. p. 192.

[2] Ord. Vit. 766 B.

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CH. XXIII. ransomed, while the French who fell into English hands had to linger in prison till they could bring themselves to enter the service of their captors.[1] Yet the war, a war of border fortresses and sieges, brought little gain to Rufus. Several French towns and castles stoutly held out, and his arms suffered a severe check before Chaumont. In the last stage of the war William of England and Normandy was helped by his new ally William of Aquitaine, who had not yet gone to the holy wars. Yet both Williams gained so little advantage that Rufus was glad to conclude a truce with France.[2] In less than two years his death turned the truce into a peace, and the design of conquering France by the arms or the gold of England slept till the fourteenth century.

Truce with France. September 27, 1098.

Wars with Maine.

But among the continental wars of Rufus that which has by far the deepest interest in itself is one in which he had to deal with an enemy lower in rank and power than the King of the French or the Duke of the Normans. When Rufus engaged to win back for his brother Robert all those parts of their father's dominions which the treaty did not make over for himself,[3] he engaged by implication to win back the revolted city and county of Maine.[4] On

[1] So says Suger (Duchesne, iv. 283); "Angliæ captos ad redemptionem celerem militaris stipendii acceleravit anxietas, Francorum vero longa diuturni carceris maceravit prolixitas: nec ullo modo evinculari potuerunt, donec, suscepta ejusdem Regis Angliæ militia, hominis obligati regnum et Regem impugnare et turbare jurejurando firmaverunt."

[2] See all this latter stage of the war in Orderic, 766, 767.

[3] See above, p. 87.

[4] The history of the Cenomannian war has to be put together from several detached narratives in Orderic, 673, 674, 681-684, 768-776, 784, 785, from the Lives of Bishops Howell and Hildebert in the third volume of Mabillon's Vetera Analecta, from one or two notices in the letters of Hildebert, and from the account in Wace, 14824-15153, which is full of confusions and anachronisms. The story in Orderic and in the Biographer of the Bishops is essentially the same, though there are some contradictions in points of detail. But the two narratives are naturally written from wholly

the first accession of Robert, Le Mans had unwillingly submitted to his rule, and the two chief men of the state, Geoffrey of Mayenne and Helias of La Flèche, had both acknowledged him. But the allegiance of both city and county was very doubtful. Revolt is said to have been staved off for a year by the intervention of Count Fulk of Anjou, who claimed to be the superior lord of Maine.[1] But, three years after the death of the Conqueror, discontent broke forth. The first step was again to send to the Marquess Azo, and again to invite his son Hugh, who was now of an age fitter to rule. The Italian prince came and reigned for a while, but he soon disgusted men of all kinds, not only Bishop Howel who remained firm in his loyalty to Robert,[2] but all who found that the idle and frivolous youth, who had nothing but his descent to recommend him, was utterly unfit to be the chief of a high-spirited people threatened by dangerous enemies.[3] Before long Hugh was glad to sell his claims to his kinsman Helias, and to go back to his own land. Helias now reigned for a while in peace, to the great gain of all classes of his subjects. The land flourished under his just and vigorous rule, and in his days Le Mans was honoured by a visit from Pope Urban.[4] No serious attempt on Maine was made by either Robert or William till, after a reign of six years, Helias was seized by the same religious enthusiasm as Duke Robert. Rufus was now lord of Normandy; his claims on Maine had not been pressed, but Helias deemed it dangerous to set forth on the Crusade without obtaining some assurance of peace from his powerful neighbour. Such assurances Helias asked for and Rufus refused. The two princes parted after a mutual challenge. William would not give up his right to an inch of territory which had

CH. XXIII.

Maine discontented under Robert. 1088—1090.

Revolt and second election of Hugh. 1090.

Hugh sells his claims to Helias.

First reign of Helias, 1090—1098.

Visit of Pope Urban to Le Mans. 1095.

Helias proposes to join the Crusade; his quarrel with William Rufus. 1096.

different points of view, and they do not always pick out the same incidents to enlarge on.

[1] Ord. Vit. 681.

[2] Ord. Vit. 683 D; Vet. An. 291.

[3] Ord. Vit. 684 A; Vet. An. 299.

[4] Vet. An. 300.

CH. XXIII. been held by his father; Helias dared him to incur the sin of fighting against a crusader.[1] The King let the Count go, with terrible threats of warfare; but for a time they remained unfulfilled. But presently Robert of Belesme, the immediate neighbour of Maine, began to stir up strife, and the anger of Rufus was further kindled on an ecclesiastical point. On the death of Howel, the see of Le Mans was filled by the famous Hildebert, without either the Count or the Chapter consulting the Duke of the Normans as to the election. War now broke out, a war waged in the cold of winter, a war waged by Robert of Belesme, who refused the ransom of his prisoners that he might have the pleasure of letting them die of cold and hunger.[2] Presently, in an unlucky ambush, the Count himself fell into his hands, and now Rufus steps upon the scene in person. Even Robert of Belesme did not dare to let such a captive as Helias linger to death in his dungeons, and the Count of Maine was handed over to the keeping of the more chivalrous King. Le Mans, left without a head, received its over-lord Count Fulk within its walls. And now Rufus himself invaded Maine. The land was harried with the usual cruelty, but it was now, at Ballon, that Rufus refused to listen to the suggestion of his own followers, that the Angevin knights who were taken prisoners in the fortress might possibly break their parole.[3] And now the King himself drew near to the city. Count Fulk and the citizens, Bishop Hildebert and the captive Helias, were all glad to conclude a treaty by which Le Mans was surrendered to Rufus, and Helias and all the other prisoners were to be set free. William entered the city in triumph, and, on his return to Rouen, the prisoner whom he was bound to set free was brought before him. Helias proposed to enter the King's service, keeping his rank and title of Count, and he uttered a hope that his services might one day win for him

Hildebert Bishop of Le Mans. 1097–1125.

War begun by Robert of Belesme. January, 1098.

Helias taken prisoner. May, 1098.

Count Fulk at Le Mans.

Helias concludes a treaty.

William enters Le Mans.

Scene between William and Helias.

[1] Ord. Vit. 769 B, C. [2] Ord. Vit. 770 B, C. [3] See above, p. 74.

his actual restoration to his county. Rufus was inclined to consent, but his counsellors, Robert of Meulan the chief among them, persuaded him to refuse the offer. Helias then spoke out boldly. He would gladly have entered the King's service; but, as his offer was refused, he would do all that in him lay to win back his dominions. Many tyrants would have sent him back to his dungeon or have handed him over to death or blinding; but Rufus remembered that his word was plighted to the prisoner, and—in the spirit of Cæsar, so his admirers said—he let his captive go, stammering out the words of contemptuous defiance, that Helias might go and do all that he could against him.[1] CH. XXIII.

What Helias could do was shown before long. The next year, when William was in England, Helias appeared before the city, and the citizens gladly received him within their walls. But the Norman garrisons held out in the castles; fighting went on throughout the city, and Le Mans, like York,[2] was burned by the fiery missiles hurled down on the houses by the defenders of the besieged fortress.[3] And now comes another of the characteristic tales of the Red King, another of the tales on the strength of which it was said that the soul of Cæsar had passed into his body. He was hunting in the New Forest when the news came that the city of Le Mans was again in the hands of its own Count. The tale runs that Rufus rode to the shore with all speed, that he crossed the sea in the first old and crazy vessel that he could find, comforting himself and the shipmen with the doctrine that he had never heard of a King being drowned.[4] He lands at

Helias recovers Le Mans. May–June, 1099.

William hastens to recover the city.

[1] See above, p. 74.

[2] See vol. iv. p. 267.

[3] Ord. Vit. 774 D; Vet. An. 307.

[4] This story appears in Orderic, 775 A, but the characteristic saying comes from William of Malmesbury, iv. 320, and in another shape from Wace, 14968. Eadmer (Hist. Nov. 54) also alludes to the story.

CH. XXIII. Tolques; he appears as his own messenger to the crowd who are waiting for news from England; he mounts the first horse he can find, and before long his summons to the war has gone forth and he is again leading his host against Le Mans. Helias fled before his approach; the city was again surrendered, and it remained in William's possession for the rest of his days, though his warfare against some of the fortresses of the county was less successful.[1] On the death of Rufus, Helias won back his dominions without much trouble, and held them in peace for the rest of his days.[2] He kept on good terms with his neighbours on both sides. He was the friend and ally of King Henry of England,[3] and his still closer connexion with his over-lord to the south in the end united the possessions of all three in a single hand. The marriage of his daughter to the younger Fulk of Anjou, the King of Jerusalem, carried on his blood and his dominions to Geoffrey of Anjou and to his son Henry, under whom Anjou and Maine became parts of the same vast dominion as Normandy and England. And every later sovereign of England could trace up his descent to Helias of Maine by the same spindle-side by which alone any of them could trace up his descent to William or Cerdic.

Le Mans surrenders to William.

Helias recovers Maine. His later reign. 1100–1110.

Later History of Maine.

Effects of the reign of Rufus

The continental wars of Rufus set before us the first beginnings of national warfare between England and France. Such warfare was a new sphere of action for a King of the English; but his entering on it in no way relieved him or cut him off from the older sphere of action which the Norman Kings of England inherited from their West-Saxon predecessors. The never-ending wars on the

[1] Ord. Vit. 775, 776.

[2] Ord. Vit. 784, 785. The death of Hélias is recorded by Orderic, 839 D, and in our own Chronicle, 1110.

[3] Ord. Vit. 818–823.

Welsh borders still went on, and Scotland, a kingdom which was now fast gaining power and consistency, offered a large scope to the energies of the new dynasty. And at no time was warfare carried on more ceaselessly, and with greater results, in all these quarters than it was during the reign of William Rufus. The vassalage of Scotland was renewed, and the dependent kingdom again, as in the days of Eadward, received a King from the Southern over-lord. Conquests were made at the expense of the Southern Britons greater than any that had been made since the early days of English conquest. And while the Southern Britons were thus cut short, the last trace of the old British state in the North, the last trace of an independent dominion in Strathclyde or Cumberland, was finally wiped out. William Rufus, in short, not only made England for the first time a power beyond sea, but enlarged the borders of the English realm within its own island. If London or Winchester had had a *pomœrium* to enlarge, no prince could have more worthily claimed the honour and duty of enlarging it.

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on Scotland,

Wales,

and Cumberland.

On the side of Wales the advance of the power of England during the reign of Rufus is to be traced mainly in its results. The details, so far as they can be recovered at all, are to be sought for in the chronicles of the Britons, which at first sight read like a record of English ill luck rather than of English conquest. In more than one year we find entries of expeditions made by the King in person, the immediate result of which seems to have been loss rather than gain.[1] Yet, if the final conquest of South Wales dates from Henry the First,[2] if the final conquest of North Wales was not brought about till the

Apparent ill-successes;

[1] See the entries in the Chronicles, 1095, 1096, 1097. Cf. William of Malmesbury, iv. 311.

[2] Giraldus, De Jure et Statu, iii. 152, Brewer. Cf. pp. 174, 175, and contrast the description quoted in vol. ii. p. 471.

CH. XXIII. how counter-balanced.

days of the great Edward, it is certain that the reign of Rufus did much towards paving the way for those future successes. New lands were won, and lands which had already been won were secured by castles. An invasion which appears in the Chronicles simply as the occasion of the loss of many men and horses, while the Welsh found a safe shelter in their woods and mountains,[1] was not unsuccessful in the long run, if the opportunity was taken to plant a fortress on some well-chosen spot to hold a further lot of British soil in bondage.

The first mention of Welsh warfare during the reign of Rufus stands somewhat isolated from the general course of operations in that quarter. This was the fate of the Marquess Robert of Rhuddlan, of whose exploits against the Northern Cymry we have already heard so much.[2]

Revolt of Gruffydd of Cynan; death of Robert of Rhuddlan. July 3, 1088.

The confusions of the early days of Rufus emboldened the Welsh prince Gruffydd[3] to make inroads by land and sea into the neighbourhood of the fortress from which Robert took his surname. The Marquess himself, coming back from the siege of Rochester to defend his own possessions, was overtaken near the sea-shore by a party of sea-rovers under Gruffydd in person, and he paid his life as the forfeit of his over-daring.[4] Our narrative however is purely personal, and it gives us no account of any lasting results of the inroad on either side. The beginning of something like a consecutive narrative is to be found a few years later in the more southern parts of the British territory.

[1] Chron. Petrib. 1095, 1096. Cf. Flor. Wig. 1094, 1095, and the entry in the Abingdon Chronicle, 1056. See vol. ii. p. 398.

[2] See vol. iv. p. 490.

[3] This Gruffydd is commonly taken to be Gruffydd ap Cynan, who appears in the Annales Cambriæ in 1079 (1081), the year of the Conqueror's pilgrimage to Saint David's. We have heard of another Gruffydd, son of Meredydd, in vol. iv. p. 679.

[4] The story is told by Orderic at great length and with much picturesque detail, 669–671. Orderic wrote the epitaph of Robert over his tomb at Saint Evroul.

It must be remembered that Gwent had been long before added to the English realm by Harold,[1] that its possession had been further secured by the victories of William Fitz-Osbern,[2] that the central frontier had been secured by the foundation of Earl Roger's castle of Montgomery,[3] that the conquest of Morganwg had been at least begun, and the conquered territory secured by the foundation of the castle of Cardiff.[4] In this way South Wales had been either subdued or awed to a degree which had enabled the Conqueror to make a pilgrimage, either warlike or peaceful, to the shrine of Saint David.[5] The lands which now lay open to further conquest were those of Brecknock, Caermarthen, the peninsula of Gower,[6] the larger peninsular land of Dyfed, the modern Pembrokeshire, and the still more distant land of Cardigan. The first great campaign against this region took place in the sixth year of the reign of Rufus, the year famous in ecclesiastical history for the beginning of the primacy of Anselm. The South Welsh King, Rhys ap Tewdwr, was, as the chronicles of both nations tell us, killed by the French of Brecheiniog; and after his time the Britons had no kings, but only princes.[7] This marks the occupation of Brecknock by the famous Bernard of Newmarch.[8] He secured his possession by a marriage with a wife chosen from among the conquered, but in whose veins ran some of the noblest blood of England. He married Nest, the daughter of the elder Nest the daughter of Gruffydd and Ealdgyth, the grand-daughter of Ælfgar, the step-daughter

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Progress of conquest in South Wales.

Rhys of Tewdwr killed at Brecknock. Easter, 1093.

Bernard of Newmarch and his wife Nest.

[1] See Appendix SS. in the second edition of my second volume.

[2] See vol. iv. p. 503. [3] Ib. p. 502. [4] Ib. 680. [5] Ib.

[6] Gower is within the modern county of Glamorgan; but that this is a later arrangement is shown by its being in the diocese of Saint David's. It therefore naturally belongs to the country of which we are now speaking.

[7] See the Brut y Tywysogion, 1091, and Florence, 1093; but cf. 1116, and Giraldus, It. Kamb. i. 12 (vi. 89, Dimock).

[8] See vol. iii. p. 132.

CH. XXIII. Conquest of Glamorgan.

of King Harold.[1] Of the occupation of Morganwg the historian hardly ventures to speak. He finds a tale so neatly put together in all its parts, a tale which has so deeply impressed itself on local belief, and which has so thoroughly left its mark on the local associations of every corner of the district, that it is a bold step to show how slight is the historical evidence on which it rests. But all that we can say with safety is that it must have been about this time that Robert Fitzhamon, of the blood of the rebel of Val-ès-dunes, received those possessions in the conquered land which have made his name and the name of his successors the great centre of local history or legend.[2] The rest of the warfare of this year is to be traced in the British Chronicles only, but its course clearly points to an earlier occupation of Morganwg. As usual, a Welsh prince is found giving help to the invaders. Rhys is hardly slain at Brecknock before one of his old enemies, Cadwgan ap Bleddyn, is heard of as harrying Dyfed; and directly after we read how the French for the first time came into Dyfed and Ceredigion, how they kept the land ever after, how they built castles, and from that time held the whole land of the Britons.[3] Among these castles one of the foremost was the great fortress of Pembroke, at first only a rude structure of wood, but which in its later form remains one of the noblest examples of the earlier military architecture of the thirteenth century.[4] From this time we may date the Norman or English conquest of South Wales. The Britons were neither

Establishment of Robert Fitzhamon.

Settlement in Pembroke and Cardiganshire.

[1] Gir. Cam. It. Kamb. i. 2 (vi. 28, Dimock). Nest seems not to have copied the virtues of her ancestress Godgifu. See vol. ii. p. 630.

[2] On the occupation of Morganwg, see Appendix S.

[3] Ann. Camb. 1091 (1093).

[4] Giraldus (It. Kamb. i. 11; vi. 89, Dimock) describes the humble beginnings of Pembroke at some length. But as the castle is mentioned in the Brut under 1092 (1094), he is, as Mr. Dimock says in his note, mistaken in placing them in the reign of Henry.

exterminated nor enslaved. While the conquerors and their followers, a mixed multitude of French, English, and Flemings, occupied the towns and castles, Welsh princes still kept up a precarious reign in the less fertile parts of the country, living on such terms of friendship or enmity with the invaders as might suit the convenience of the moment. The local nomenclature of modern Glamorgan, with its strongly-marked British, English, and French elements, is the best commentary on this state of things.[1] From this time revolts were common, and were often for a while successful; still they were revolts; the yoke of the conqueror could never again be wholly thrown off. In South Wales, as everywhere else, the Norman put the finishing stroke to the work which the West-Saxon had begun.

CH. XXIII. Character of the Conquest of South Wales.

Whether William Rufus had any personal share in this expedition may be doubted.[2] But his absence in Normandy during the next year is given as the occasion of a general insurrection of the West, North, and South, in which the Normans were driven out of all their castles in South Wales, except Pembroke and Rhyd-y-gors.[3] This last castle is specially mentioned as having been built by the King's orders, which shows that the conquest which was going on was not the mere enterprise of individual

Revolt in South Wales. 1094.

[1] I said something on this matter in an opening address to the Historical Section of the Archæological Institute at Cardiff in 1861, printed in the Archæological Journal, vol. xxviii. p. 184.

[2] Mr. Floyd, in his paper on the Norman Conquest of South Wales in the Archæological Journal, vol. xxviii. p. 298, connects this expedition with the story told by Giraldus (It. Kamb. ii. 1; vol. vi. p. 109, Dimock) of a visit paid by William Rufus to Saint David's, and of a threatened conquest of Ireland. In both tales one is inclined to suspect that the name of the younger William has supplanted that of his father. See vol. iv. pp. 526, 680.

[3] Ann. Camb. 1092 (1094). "Ricors" or Rhyd-y-gors, according to Mr. Floyd, was in Caermarthenshire. The Brut, 1094 (1096), distinctly says that this castle was founded by William the son of Baldwin, "by order of the King of England."

CH. XXIII. chieftains, but was a regular warfare carried on in the name of the King and kingdom. It is not however till the next year that William certainly appears in person on the Welsh border. He then marched with the whole force of the realm as far as Snowdon,[1] and two years later he made another expedition, in which, as in the former, he is described as suffering much immediate loss.[2] But when we read that on his return he strengthened the border with castles, we may see that the campaign was far from unsuccessful in the long run.[3]

Campaign of Rufus in North Wales. October, 1095.

Building of castles.

The Welsh history of this reign ends, as it began, with a picturesque narrative of the death of one of the great lords of the North-Welsh march. It is plain that warfare in that region had turned less to the advantage of the English or Norman side than it had in the south. Robert of Rhuddlan was gone; but the two great border Earls of Chester and Shrewsbury were kept constantly on the alert by the incursions of the Britons within their earldoms.[4] The date of the conquest of Anglesey is not very clear; it may have formed part of the undefined territory held by the Marquess Robert.[5] If so, it had been won back by the natives, and it was held for some years in defiance of Earls and King. Both the Earls bore the same name. Hugh of Avranches still reigned at Chester, and the earldom of Shrewsbury had passed to another Hugh, the son of Roger and Mabel. They

War in North Wales.

The Welsh recover Anglesey. 1094.

Hugh Earl of Shrewsbury.

[1] This expedition and its ill success are recorded by all our authorities, English and Welsh; but it is the English Chronicle only which tells us the extent of the march.

[2] Chron. Petrib. 1097; Flor. Wig. 1097; Ann. Camb. 1097; Brut, 1095 (1097). The Welsh writers enlarge on the piety of their countrymen.

[3] Chron. Petrib. 1097.

[4] See the Chronicles, Welsh and English, through all these years. Our own Chronicle in 1095 records the destruction of the castle of Montgomery (see vol. iv. p. 502) by the Welsh.

[5] See vol. iv. p. 490, note 3. That there was a castle in the island before 1094 appears from Florence under that year.

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The Earls recover Anglesey. 1098.

recovered Anglesey by bribing some pirates from Ireland —doubtless from the Scandinavian ports—whom the Welsh chiefs Cadwgan ap Bleddyn and Gruffydd ap Cynan—the slayer of Robert of Rhuddlan—had engaged to help in the defence of the island.[1] Presently the Norman Earls had to strive against an enemy of the same race, who steps suddenly on the stage as if our history had rolled back for a generation. We seem to be carried back again to the days of Stamfordbridge and Senlac, when we read how King Magnus Barefoot of Norway, after conquests along the shores of Ireland, Scotland, the Western Isles, and Man, at last drew near with his Wiking fleet to the southern Mevania. And we seem to be still more wholly carried back to times which we are beginning to forget, when we hear that he had with him in his fleet Harold the son of Harold King of the English.[2] Of his twin-brother Wulf we had a glimpse for one minute, when the dying Conqueror set him free from his long captivity.[3] And so the last Harold flits before us, like the bird that took shelter in the hall of Eadwine. We know not how he found his way to the fleet of Magnus; we know not what of good or of ill befell him after he had taken this momentary glimpse of a land which had such good cause to remember his father's name. The one recorded result of the voyage of Magnus was the death of Hugh of Shrewsbury, pierced in the eye, as though paying the *wergeld* for England's fallen King, by an arrow, shot, so men said, by the hand of the Norwegian King himself.[4]

Invasion of Magnus of Norway.

Presence of Harold son of King Harold.

Death of Earl Hugh of Shrewsbury.

[1] Ann. Camb. 1098. This Cadwgan appears in the English Chronicle, 1097, as chief of the "ealdras" whom the Welsh chose on their revolt.

[2] See vol. iv. p. 756. [3] See vol. iv. p. 710.

[4] The story of the invasion of Magnus and the death of Earl Hugh is told at length by Orderic, 767, 768, and by Snorro (Johnstone, 230–237; Laing, iii. 129–133). It is recorded also in the Welsh Chronicles, Ann. Camb. 1098, Brut 1096, where the invader is strangely called "Magnus Rex Germaniæ" (see vol. ii. p. 396), "Magnus brenhin Germania." In our own Chronicles,

CH. XXIII. His earldom passed to his savage brother Robert of Belesme, who had inherited his mother's name and his mother's continental possessions.[1] Magnus sailed away to Scotland, leaving no trace of his presence on British or English ground.[2] And with him his shadowy comrade, the last of the house of Godwine of whom English history has preserved even the name, fades away like a dream from our eyes.

Relations with Scotland.

If the last scene of the Welsh warfare of this reign brings us thus unexpectedly across one who, under a happier star, might have been an English Ætheling and an English King, the affairs of the other great dependency of the English Empire bring us yet more directly face to face with the surviving descendants of the elder line of English kingship. Scotland fills a large place in the history of this reign, and it is plain that the affairs of the vassal kingdom were of no small moment in the eyes of the Southern over-lord. And at no time, before or after, did English supremacy show itself more practically in the course of events in the great Northern dependency. William Rufus, like his father, like Eadward and Cnut, has the Scottish King to his man; and, as in the days of Eadward and of his mightier namesake in later times, Scotland had to receive her King from the lord to whom he paid his homage. And now the Ætheling Eadgar, who has ever anon flitted across our story, for

Assertion of the English supremacy.

Action of Eadgar and Margaret.

1098, we read simply, "Hugo eorl wearð ofslagen innan Anglesege fram utwikingan." Florence adds some details of the cruelties practised by Hugh of Shrewsbury in Anglesey. There is also a notice in William of Malmesbury (iv. 329), from which alone we learn the presence of Harold the son of Harold. See also Giraldus, It. Kamb. ii. 7; vol. vi. p. 129.

[1] Chron. Petrib. 1098; Ord. Vit. 768 C.

[2] Unless we reckon the fact that a citizen of Lincoln kept his treasure. Ord. Vit. 812 C. The Brut sums up the whole story with the comment, "So the French reduced all, both great and small, to be Saxons." But it goes on to record further revolts and the return of Cadwgan and Gruffydd from Ireland.

a short time plays a leading part, and we get our most distinct glimpses of his sister, the holy Queen of Scots, and of the other members of the house which her marriage had brought into close relation with the affairs of England. CH. XXIII.

The beginning of disputes with Scotland seems to have sprung out of the clause in the treaty between William and Robert which required the Duke to withdraw all countenance from the Ætheling.[1] Eadgar, as at other times, found shelter at the court of his brother-in-law, and his appearance there was presently followed by an invasion of England on the part of Malcolm. While Rufus was still in Normandy, the King of Scots for the fourth time entered northern England, advanced as far as Chester-le-Street, and again wrought the usual ravages.[2] He was driven back by the King's lieutenants,[3] Robert of Mowbray being doubtless among them; but Rufus deemed that his own presence was needed. As soon as his continental affairs allowed him, he set out for Scotland with a land force—his ships set out also, but perished by the way—bringing his brother Duke Robert with him. Robert had himself once led a force into those parts;[4] but his appearance now can hardly fail to have some reference to the presence of his banished friend Eadgar on the Scottish side. King and Duke marched as far as the Scots' Water, the Firth of Forth,[5] and the King

Eadgar goes to Scotland.

Malcolm invades England. May, 1091.

William marches against Scotland. August, 1091.

Presence of Duke Robert.

[1] See above, p. 88.

[2] The invasion is recorded in the Chronicle and Florence (1091), who is copied by Simeon, who also mentions the invasion in his list of Malcolm's invasions under 1093. Orderic (701 A) shrouds the actual invasion under the words "Melcoma Rex Scotorum contra Regem Anglorum rebellavit, debitumque servitium ei denegavit."

[3] Chron. Petrib. 1091. "Þa gode mæn þe þis land bewiston him fyrde ongean sændon and hine gecyrdon." Mark the use of the phrase "good men."

[4] See vol. iv. p. 675.

[5] Ord. Vit. 701 A. "Usque ad magnum flumen, quod Scotte Watra

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of Scots crossed the estuary to meet them in Lothian, thereby, as the English Chronicler pointedly remarks, crossing from Scotland into England.[1] The Duke and the Ætheling played the part of mediators between the two Kings.[2] In one version Malcolm is made to profess that the earldom of Lothian had been granted to him, first by Eadward and then by the elder William. To Robert, as the eldest son of William, he had done homage for that earldom, and that homage he was ready to renew. But to the reigning King of the English he owed nothing.[3] If this account of a private discourse between Robert and Malcolm be at all trustworthy, we find the King of Scots taking up much the same line of argument which was afterwards taken up by many of his successors. He owed homage, not for the kingdom of Scotland, but for his possessions in England. Lothian was still acknowledged to be English; for Lothian then he would do homage. So in after times, when the distinction between Scotland and Lothian had been forgotten, Kings of Scots refused to do homage for Scotland, or for Lothian as a part of Scotland, but were ready to be the King of England's men for Northumberland, Huntingdon, or

Mediation of Robert and Eadgar.

Malcolm said to have offered homage to Robert for Lothian only.

Later parallels.

dicitur." See Mr. Earle's note, Parallel Chronicles, 348. Orderic's account is very confused, but he must have got this phrase from some trustworthy source.

[1] Chron. Petrib. 1091. "He for mid his fyrde ut of Scotlande into Loðene on Englaland." See Mr. Earle's note, p. 355. Florence oddly translates "Loðene" by "in provincia Loidis," which has been mistaken for the Loidis of Bæda.

[2] Walter of Hemingburgh (i. 23) brings in Eadgar in a strange fashion; "Robertus comes advocavit ad se quendam militem, Edgarum nomine, quem Rex de Normannia expulerat et tunc Regi Malcolmo militabat."

[3] All this comes from Orderic, 701 B. See vol. iv. p. 784. After the words there quoted he is made to say, "Deinde Guillelmus Rex quod antecessor ejus mihi dederat concessit, et me tibi primogenito suo commendavit. Unde quod tibi promisi conservabo, sed fratri tuo nihil promisi et nihil debeo." Was this commendation to Robert, if it was ever made at all, made in 1072, or in 1080?

anything else which they held, or claimed to hold, within the narrower boundaries of England as understood in their day. If Malcolm ever really used such an argument, it was doubtless only as a piece of diplomatic fencing. The negotiation ended in a renewal of the submission of Abernethy, which assuredly was not a submission for Lothian only. All things were to be put on the same footing as they had been under William the Great. The King of Scots again became the man of the King of the English, and the King of the English promised to his vassal all lands, honours, and payments which had been his in the time of the elder William.[1] The Kings parted as friends, but the Chronicler again pointedly notices that it stood but for a little while.[2] Eadgar also was taken into William's favour, and went back with Robert to Normandy.[3]

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Renewal of Malcolm's homage. 1091.

Eadgar reconciled to William.

The next year William took a step which could hardly have been pleasing to his new vassal, and which was doubtless meant as a measure of defence against him. It was now that he enlarged the kingdom of England, a different process from receiving the external homage of princes beyond its borders. The modern county of Cumberland had as yet no being. Its southern part appears in Domesday as part of Yorkshire; its northern part, with its capital Carlisle or rather its site, was no

Annexation of Northern Cumberland.

[1] The Chronicler (1091) says, "Se cyng W. him behêt on lande and on eallon þinge þæs þe he under his fæder ær hæfde." Florence is more definite; with him the clause runs, "Ut Malcolmo xii. villas, quas in Anglia sub patre illius habuerat, Willelmus redderet." On all this see Palgrave, English Commonwealth, i. pp. 481, 607; ii. p. cccxxxii.; England and Normandy, iv. p. 348; Robertson, Scotland under her Early Kings, i. 142; ii. 401. Are the "xii. villæ" the mansions which the Kings of Scotland held for their entertainment on their journey to the court of England? See vol. i. p. 616, and Lappenberg, Norman Kings, 233. It is singular that Simeon altogether leaves out the negotiation between William and Malcolm.

[2] Cf. above, pp. 74, note 1, and 81.

[3] The Chronicle alone mentions the return of Eadgar with Robert.

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part of England. Strathclyde beyond the Solway, if not absolutely incorporated with the Scottish kingdom, was at least held without dispute by the Scottish Kings, or by their sons to whom they granted it as an apanage. But between the parts of the old British kingdom which had thus passed severally to England and to Scotland, this small fragment, whose extent may be fixed by the boundaries of the old diocese of Carlisle, still remained a separate principality. It was now held by a lord of the noblest Northumbrian blood, Dolfin the son of the famous Earl Gospatric,[1] and it is hardly possible that he can have held it in any other character than as the man of the Scottish King. The ancient capital Carlisle had been destroyed by the Danes in the wars of Ælfred's day, and it remained, whether altogether forsaken or not, at any rate without fortifications of the Norman type.[2] On what provocation we are not told, the Red King now marched into this district, the only corner of Britain where a man of English birth still kept any shadow of sovereignty. Dolfin was driven out, and William, like Æthelflæd at Chester,[3] made Carlisle again a city, defended, in the usual fashion, with walls and a castle.[4] Cumberland now became an English earldom,[5] and its

Carlisle and its district held by Dolfin.

Destruction of Carlisle by the Danes. c. 877.

Dolfin driven out and Carlisle restored.

[1] See vol. iv. p. 524, and Mr. Hinde's note on Simeon, p. 92. It can hardly be any other Dolfin, though the name is not uncommon. The country had been in possession of Malcolm in 1070 (see vol. iv. p. 507), when Simeon says (p. 87), "Erat eo tempore Cumbreland sub Regis Malcolmi dominio;" adding, "non jure possessa, sed violenter subjugata."

[2] Florence, who does not copy the Chronicle, and who is not copied by Simeon, says, "Hæc civitas, ut illis in partibus aliæ nonnullæ, a Danis paganis ante cc. annos diruta, et usque ad id tempus mansit deserta." He does not mention Dolfin, whom we get from the Chronicle. Orderic (917 B) calls it "Carduilum validissimum oppidum, quod Julius Cæsar, ut dicunt, condidit."

[3] See vol. iv. p. 313.

[4] Chron. Petrib. 1092. It is odd that William of Malmesbury (Gest. Pont. 208) speaks of Carlisle as still half ruined in his time.

[5] The old mistake about an earldom of Cumberland in the time of the

restored capital became in the next reign the seat of a newly-founded bishoprick. The land which was now added to England would seem to have been almost as desolate as the city; for colonists from the south, English and Flemish, were sent to occupy and till it.[1] This is a fact which should not be forgotten in discussing the puzzling ethnology of Cumberland and the neighbouring shires.

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Colonization of Cumberland from the South.

We are not directly told whether Malcolm felt any grudge at this extension of the power of England in his own neighbourhood, and in some sort at his own cost. But a new quarrel broke out before long. Malcolm, like Duke Robert, began before long to complain of breaches of treaty on the part of William. The King of Scots was accordingly invited or summoned to the presence of his over-lord; and he came, after the delivery of hostages, under the guidance of the former mediator, the Ætheling Eadgar. He was brought to the place of meeting at Gloucester with mickle worship; but, when he came there, William not only refused to give him any satisfaction about the points in debate, but refused to see him at all.[2] It is added that William called on Malcolm to do right—a phrase of somewhat doubtful

Dispute between William and Malcolm.

Malcolm at Gloucester. August 24, 1093.

Conqueror, which misled even Sir Francis Palgrave (English Commonwealth, i. 449), and which was locally believed in 1873, was pointed out by Lappenberg (Norman Kings, 234); see also Mr. Hinde's paper on the Early History of Cumberland, in the Archæological Journal (1859), vol. xvi. p. 227.

[1] The Chronicler (1092) says that William "syððan hider suð gewænde and mycele mænige cyrlisces folces mid wifan and mid orfe, þyder sænde, þær to wunigenne þæt land to tilianne." So Henry of Huntingdon (213 *b*); "Ex australibus Angliæ partibus illuc habitatores transmisit." Florence leaves out the passage, but I cannot help connecting this colonization with the "Flandrenses qui Northymbriam incolebant," of whom he speaks in 1111. "Northhymbria" with him takes in Cumberland. I know of no better authority than the so-called Bromton (X Scriptt. 1003) for making Henry himself first settle these Flemings somewhere in the North.

[2] This is the account of the Chronicler, who says nothing about Carlisle and nothing about homage, but who clearly implies that William had in some way broken his promise to Malcolm.

CH. XXIII. meaning—in the King's court, according to the judgement of the barons of England, while Malcolm maintained that he was bound to do right only on the borders of the two kingdoms, according to the judgement of the barons of both.[1] The exact point at issue is not very clear; but we may be pretty sure that William and Malcolm construed the obligations of homage in two different ways.

Malcolm's last invasion of England. His death at Alnwick. November 14, 1093.

In any case Malcolm went away angry, and at once took his revenge by a fifth invasion of England. He marched as far as Alnwick, and was there slain, some say by treachery, at all events by an ambush or sudden attack, on the part of Robert of Mowbray and his followers.[2] With him died his eldest son Eadward, and a pathetic tale is told of the way in which the holy Queen received the tidings of the death of her husband and her son, and how she presently followed them to the grave.[3] The sympathies of our English and Norman writers lie wholly with Margaret, and to some extent with Malcolm; his own subjects at the time were of another mind. The innovations of Margaret, which seemed such blessed

[1] This comes from Florence. I do not profess to know exactly what is here meant by the legal phrase "rectitudinem facere." According to one view, it means to do homage; according to another, it means to make amends for some alleged breach of the treaty. In either case it would be the act of an inferior to a superior. See Palgrave, English Commonwealth, ii. cccxxxiv.; England and Normandy, iv. 356; Robertson, Scotland under her Early Kings, i. 144; Lappenberg, Norman Kings, 235.

[2] This invasion stands as the fifth and last in Simeon's list. See also the Chronicle and Florence; Orderic, 701 C; Will. Malms. iv. 311. The Chronicler uses the word "beswikene;" William of Malmesbury speaks of "fraus;" while Orderic has a distinct tale of treachery. In Fordun, v. 20 (see in Robertson, i. 147, and Mr. Hinde's note to Simeon, 261), may be seen the legend which grew out of such phrases. Orderic, at Saint Evroul, bewails the death of Malcolm. Simeon, nearer to the spot, rejoices in the judgement on the man who so often harried England. He is followed by William of Newburgh, and in a later age by T. Wykes.

[3] The account of the pious death of Margaret is found in all our authorities except Simeon, who leaves out the passage in which Florence sets forth the merits of the wife of the arch-enemy.

reforms in the eyes of writers at Peterborough, Worcester, and Saint Evroul, clashed against all Celtic national feeling. CH. XXIII.

Discontent may well have slumbered during the reign of the great warrior who so often harried England, but, as soon as he was dead, the real feeling of the Scottish people burst forth. The English Chronicler takes for granted that the slain Eadward, if he had lived, would have succeeded his father.[1] But he tells us distinctly, using the same constitutional language which he would have used in describing the election of an English King, that the Scots chose Donald, the brother of Malcolm, to the vacant kingdom.[2] The first act of the new King marks the spirit in which he was chosen. He drove out all the English and French who had been received at the court of Malcolm.[3] Many of these, we may believe, had fled from England to escape Norman oppression; but, in the eyes of a King of the English of whatever race, the driving out of any of his subjects could not fail to seem a national wrong. The new King of Scots too, we may be sure, was not anxious to renew his brother's homage to the English over-lord. A candidate for the Scottish crown was ready at William's court in the person of Duncan, the son of Malcolm and Ingebiorg, who had been given by his father as a hostage after the homage at Abernethy.[4] He had been set free by William the Great on his death-bed,[5] and he was now in the service of William the Red, and seemingly high in his favour. As

Discontent in Scotland with the innovations of Malcolm's reign.

Donald chosen king.

The Scottish Crown granted by William to Duncan. 1093-4.

[1] Chron. Petrib. 1093. "Mid him wæs eac Eadward his sune ofslagen, se æfter him cyng beon sceolde gif he hit gelifode."

[2] Ib. "And þa Scottas þa Dufenal to cynge gecuron, Melcolmes broðer." So Florence. In Fordun (v. 21) we get the Scottish legitimist version.

[3] Chron. Petrib. 1093.

[4] See vol. iv. p. 517, where I carelessly wrote Donald for Duncan. William of Malmesbury (v. 400) takes care to speak of Duncan as "Malcolmi filius nothus," which involves the whole question about Ingebiorg.

[5] See vol. iv. p. 711.

CH. XXIII. Eadward had sent Malcolm to win the Scottish crown from Macbeth, so William Rufus now sent Malcolm's son to win the same crown from his uncle Donald. For the crown that he was to win he did homage in such terms as the King of the English thought good,[1] and set forth at the head of a host, English and Norman. With their help he drove out Donald; but presently the Scots rose again, massacred his followers, but allowed him to reign on condition that he brought into the land no foreigners, English or French.[2] Presently another revolution restored Donald, and Duncan was slain, as his namesake had been at the hands of Macbeth.[3] At last, later in the reign of Rufus, a more successful attempt was made to place an English vassal on the Scottish crown. That crown was now bestowed by the over-lord on Eadgar, the son of Malcolm and Margaret. His uncle and namesake the Ætheling was sent, like Siward in Eadward's days, to place him by force on his other uncle's throne. The two Eadgars were victorious. The son of Margaret won his father's crown; he received it as a vassal of England,[4] and held it till his death ten years later. Donald, so at least Scottish belief ran, spent the rest of his life in captivity and blindness.[5]

Reign of Duncan. 1094.

Second reign of Donald. 1094–1097.

Reign of Eadgar. 1097–1107.

[1] Chron. Petrib. 1093. "He to þam cynge com and swilce getrywða dyde swa se cyng æt him habban wolde." The words of Florence are equally strong; "Ut ei regnum sui patris concederet petiit, et impetravit, illique fidelitatem juravit." So William of Malmesbury, v. 400.

[2] Chron. Petrib. 1093.

[3] The language of the Chronicler, 1094, is here very marked; "Dises geares eac þa Scottas heora cyng Dunecan besyredon and ofslogan, and heom syððan eft oðre syðe his fæderan Dufenal to cynge genamon, þurh þes lare and totihtinge he wearð to deaðe beswicen."

[4] The Chronicler (1097) is distinct on this head; "Ferde Eadgar æþeling mid fyrde þurh þæs cynges fultum into Scotlande, and þet land mid stranglicum feohte gewann, and þone cyng Dufenal ut adræfde, and his mæg Eadgar sé wæs Melcolmes sunu cynges and Margarite þære cwenan; he þær on þæs cynges Willelmes heldan to cynge gesette, and syððan ongean into Engleland for."

[5] Fordun, v. 25.

CH. XXIII.

Effects of the accession of Eadgar.

The accession of Eadgar fixed the future history of Scotland. The true Scots, the race of the Kenneths and the Duncans, had had their last chance under Donald. From that day down to Killiecrankie and Culloden, they might make themselves unpleasant and even dangerous neighbours to the men of the Teutonic South and the Teutonized East; but they had no chance of again becoming masters. Under the sons of Margaret Scotland became an English kingdom. It might be politically distinct from the Southern England; it might even look on the Southern England with the bitterest hate; but it was an English state none the less. Among the three elements of the Northern kingdom, Gaelic Scotland, British Strathclyde, and English Lothian, the English element henceforth had the predominance. And the land became from henceforth more open than ever to all comers who were English by either birth or by settlement. Duncan had been called on to drive out all French and English immigrants. Under Eadgar and his successors, French and English immigrants grew and throve, till in the end a Balliol, a Bruce, and a Stewart, men bearing the names of Norman villages or of English offices, found their way to the Scottish throne itself. It was a strange part of the strange destiny of the elder Eadgar that, incapable as he appears in English history, mocked as he so often was with vain hopes of the English Crown in his own person, he should, as lieutenant of a Norman King, as guardian of a Scottish King, win, not for England as a state or kingdom, but for the English blood and speech, one of the greatest and most lasting of its conquests.

The English element paramount in Scotland.

Share of the Æthelings in the revolution.

Of the internal government of William Rufus, after he was firmly established on his throne by the suppression of Odo's rebellion, our most detailed notices relate to

Internal government of Rufus.

CH. XXIII. ecclesiastical matters, to his famous dispute with Anselm. What we hear of him in secular matters comes to little more than one long outcry against the reign of "unright," one wail over broken promises, grievous exactions of money, and wrong-doings of every kind.[1] One ground of complaint carries us to the days of the Pharaohs and the Tarquins.[2] The native Chronicler tells us, with the bitterness of a Hebrew toiling under Egyptian task-masters, how great was the burthen of the King's great works of architecture and engineering, the wall with which he compassed his father's Tower of London, the bridge which spanned the Thames, the new Hall of Westminster in which he lived to keep the last two Whitsun festivals of his reign.[3] Of the many anecdotes of the Red King nearly all set him before us either in his impious or in his chivalrous character; none perhaps are directly designed to set forth either the faults or the merits of his civil government. Yet one tale whose main object is to show his impiety, shows us by the way how strictly the forest-laws were enforced, and also how Englishmen who still kept their ancient wealth, or some portion of it, were special sufferers by them. Fifty such men, charged with some offence against the Conqueror's hunting-code, proved their innocence by the ordeal. Rufus blasphemed against the God who thus gave judgement against him, but he does not seem to have gone so far as to set that judgement aside.[4] One thing is plain,

Several complaints of oppression.

Architectural works of Rufus.

Building of Westminster Hall. 1097-1099.

Enforcement of the forest-laws.

[1] See the language of the Chronicler in his portrait of William under the year 1100. We get more details from Eadmer.

[2] Livy, i. 59.

[3] The wail of the Chronicler goes up under the year 1097. Under 1099 he records the keeping of the feast of Pentecost for the first time in the new hall. Cf. Will. Malms. iv. 321.

[4] See the story in Eadmer, Hist. Nov. p. 48, Selden. The alleged offenders are described as "quinquaginta circiter viri, quibus adhuc illis diebus, ex antiqua Anglorum ingenuitate, divitiarum quædam vestigia

that such crimes, real or imaginary, as it suited Rufus to punish[1] were punished more severely than they had been punished in the days of his father. The code of William the Great allowed mutilation, but forbade death. William the Red did not shrink from inflicting both on Normans of high rank, and even on men of his own kindred.[2] How men of the conquered race were likely to fare it is not hard to guess.

Severity of punishments under Rufus.

It is plain however that, whatever was the oppression of William's government, and whatever was the amount of licence allowed to his followers, he at least, like his father but unlike his elder brother, firmly maintained the general peace of his dominions. In Normandy his rule at once put an end to the anarchy of the days of Robert, and with his death and Robert's return anarchy began once more.[3] And in England, if he could wink at crime in detail whenever it suited either his own purpose or his own caprice, he at least knew how to keep his turbulent barons in order. While the internal history of Normandy under Robert is one long record of private warfare, the internal history of England under Rufus gives us, after the suppression of the first rebellion, one revolt and one real or alleged conspiracy, both of which the power of the Crown was able to put down without much trouble.

The authority of the Crown over the great barons maintained by Rufus.

Revolt of Robert of Mowbray. 1095.

arridere videbantur." But it would seem from the words of William of Malmesbury, iv. 319, that this severity extended equally to men of all ranks and races; "Non pauperum tenuitas, non opulentum copia tuebatur; venationes, quas rex primo indulserat, adeo prohibuit ut capitale esset supplicium prendisse cervum."

[1] Will. Malms. iv. 314. "Cujuscunque conditionis homunculus, cujuscunque criminis reus, statim ut de lucro regis appellâsset, audiebatur; ab ipsis latronis faucibus resolvebatur laqueus, si promisisset regale commodum."

[2] The difference between William Rufus and his father in this respect is well marked in the words put by William of Malmesbury, iv. 306, into the mouths of the rebels in 1088; "Nihil actum morte patris, si quos ille vinxerit iste trucidet."

[3] Ord. Vit. 765 C, 784 B.

CH. XXIII. The first, indeed the only revolt of this part of William's reign, was headed by Robert of Mowbray, who had succeeded his uncle Bishop Geoffrey in the earldom of Northumberland.[1] He is described as the head of a party who were dissatisfied with the King on account of his strict enforcement of the forest-laws.[2] The object of the conspirators is said to have been to depose and slay William, and to give the Crown to his cousin Count Stephen of Albemarle, the son of the Conqueror's sister Adelaide by her third husband, Odo of Champagne.[3] But the immediate cause of the outbreak is said to have been one decidedly creditable to the Red King. Earl Robert had plundered some Norwegian merchant ships; he refused to appear in the King's Court to answer for the crime, and the King made good the losses of the sufferers at his own cost.[4] Again summoned to appear before the King and his Witan,[5] the proud Earl refused, except on the delivery of hostages and a safe-conduct. We seem to be thus strangely hearing the words of Godwine and Harold[6] from the mouth of a Norman oppressor and criminal. A campaign in the North followed, a campaign which consisted chiefly in the besieging of castles, and which was interrupted by one of the revolts of the Welsh.[7] The Earl was taken prisoner. His

Conspiracy on behalf of Stephen of Albemarle.

Robert refuses to appear before the Witan. Pentecost, 1095.

[1] See vol. iv. p. 676.

[2] See above, p. 124, note 4.

[3] Florence alone (1095) records the movement on behalf of Stephen. I am now convinced, according to Mr. Stapleton's later view (Rot. Norm. ii. xxxi.), that Stephen was the son of a whole sister of the Conqueror. See vol. ii. p. 587; iv. p. 799.

[4] This comes from Orderic, 703 C, but his chronology is wrong.

[5] Chron. Petrib. 1095. "To Pentecosten wæs se cyng on Windlesoran, and ealle his witan mid him."

[6] See vol. ii. pp. 150, 580.

[7] The sieges of Tynemouth and Bamborough are recorded in the Chronicle and Florence, 1095, by Orderic, 703–704, while the result is given by William of Malmesbury, iv. 319. Henry of Huntingdon, Script. p. Bed. 214, describes the campaign in the same way as the others, and adds that Robert was puffed up to revolt by his success against Malcolm.

newly-married wife, Matilda, daughter of Richer of l'Aigle and niece of Earl Hugh of Chester, held the stronghold of Bamborough against the King,[1] and yielded only when her husband was brought before the walls, with a threat that his eyes should be put out if the castle were not surrendered.[2] The castle was surrendered and his eyes were spared; but the remaining thirty years of his life were spent in a dungeon, and he was held to be so truly as good as dead that his wife was allowed by a special papal dispensation to marry again.[3]

CH. XXIII. Defeat and imprisonment of Robert of Mowbray. After Michaelmas, 1095.

The overthrow of Robert of Mowbray was followed by the confiscation and banishment of some of his fellow-conspirators. The next year sets before us a striking example of the working of one of the changes which the Conqueror had made in English jurisprudence. The wager of battle was now the established means of deciding doubtful charges between Norman and Norman, perhaps also between Englishmen who adopted Norman manners or aspired to courtly favour.[4] The King's kinsman, Count William of Eu, who had served him so well in his Norman wars, was now appealed of treason by Geoffrey of Baynard before the assembled Witan at Salisbury.[5] The Count of Eu, worsted in the judicial combat, was blinded and foully mutilated. A pathetic tale is told, how, by a stretch of severity unknown to the days of the great William, the

Conspiracy of William of Eu. 1096.

His defeat in single combat. January 14, 1096.

[1] Ord. Vit. 703 C, 704 B. Compare the Countess Emma at Norwich, vol. iv. p. 583.

[2] This is mentioned by the Chronicler and Florence, but not by Orderic or Henry of Huntingdon.

[3] See Orderic, 704 B, for the marriage and its consequences.

[4] See vol. iv. p. 624. The story of the duel between Ordgar and Godwine (see Appendix R.) is a case of judicial combat between Englishmen.

[5] Chron. Petrib. 1096. "And on Octab Epyphan wæs se cyng and ealle his witan on Searbyrig. Þær beteah Gosfrei Bainard Willelm of Ou þes cynges mæg, þæt he heafde gebeon on þes cynges swicdome, and hit him ongefealht, and hine on orreste ofercom." We here get the technicalities of Norman jurisprudence in our own tongue. William of Malmesbury makes the Count of Eu give the challenge.

CH. XXIII. Punishment of himself and his adherents.

Count's kinsman, William of Alderi, was hanged, protesting his innocence to the last.[1] Other chief men were imprisoned or otherwise punished, among them Odo Count of Champagne and lord of Holderness,[2] whose share, or alleged share, in the conspiracy seems to confirm the statement that the malecontents designed to raise his son to the Crown. The Red King was troubled by no more revolts in England or in Normandy, unless we are to look on his own mysterious death as a more successful renewal of the schemes of Robert of Mowbray and William of Eu.

Developement of Feudal ideas under William Rufus.

It is not easy to think of William Rufus in the character of a lawgiver, nor do the annals of his reign contain any notices of direct legislation, at all events on secular matters. Yet there can be no doubt that it was during this reign that many of the changes in law and custom which could not fail sooner or later to follow on the forcible entry of the elder William began to show themselves more clearly. The race of feudal lawyers is now beginning to creep into light, in the person of Randolf Flambard and the other cunning clerks of the King's chapel. It was under them, and under their chivalrous master, that a whole jurisprudence of feudal ideas—the word *feudal* is bad in every way, but I know no better—which had hitherto lain in the germ began to show themselves in a more distinct shape. Of these, as concerns general legislation, I trust to speak in my next Chapter, when I come to deal more fully with the effects of the Norman Conquest on English law and polity. I have now to look at them as they bear on those ecclesiastical con-

Ecclesiastical controversies of his reign.

[1] The punishment of the two Williams is found in most of our authorities. William of Malmesbury is fullest on the story of William of Alderi. See also the Hyde Writer, 301, who brings in Arnulf of Hesdin as proving his innocence by his champion.

[2] "Eoda eorl of Campaine" is his style in the Chronicle.

troversies which, more than any other events of his reign, drew the eyes of the world in general on the Red King and his doings. As if to refute the ignorant calumny that monastic and other ecclesiastical writers could think of nothing but the affairs of the Church, these ecclesiastical disputes fill a remarkably small space in all the contemporary writers of general history. They assert the righteousness of Anselm and the unrighteousness of Rufus; but they pass by the details of the quarrel, or are content to refer their readers to the special biographer of the Archbishop.[1] The dispute between Anselm and William Rufus was, in one point of view, a dispute between right and wrong, between the righteous man and the unrighteous, between the man who was ready to sacrifice all for what he held to be his duty, and the man into whose mind the idea of duty never entered. But the particular form which the quarrel took was one which could hardly have been taken by any quarrel between prince and prelate in the days when England was still ruled by her native Kings. It was, in more ways than one, a direct result of that new policy in ecclesiastical matters which had been brought in by the Conqueror. A dispute between Church and State could hardly have arisen in those earlier days of England when the Church and the nation were, in the strictest sense, two aspects of the same body. But the Conqueror, by separating the ecclesiastical and temporal jurisdictions,[2] had taught men that Church and State were two distinct bodies, which, being distinct, might possibly be hostile. Again, the insular freedom of the island Church passed away when the Crown of England became the prize of the armed missionary of Rome, and when the bishopricks and

CH. XXIII.

Little about Anselm in the Chronicle.

Nature of the dispute between Anselm and Rufus.

Its particular shape impossible in earlier times.

[1] See the references to Eadmer in Orderic, 839 A, B, and William of Malmesbury, iv. 332. The space given to Anselm in the Chronicle is singularly small. Florence enlarges a little more, but only a little.

[2] See vol. iv. p. 439.

CH. XXIII. abbeys of England were filled with prelates of foreign birth. Some glimmerings of what might come if English prelates ceased to be Englishmen had been seen ages before, in the days of the Romanized Wilfrith. It had been seen in later times when the Norman Robert had refused, at the papal bidding, to consecrate a Bishop lawfully named to his see by the King and Witan of England.[1] Anselm, the just and holy, the friend of every living creature, could win the love of the English people by his justice and holiness, and could rebuke the tyrant on his throne in the character of either priest or prophet. But, as the native of a foreign land, brought up in devotion to the fullest claims of a foreign Bishop, he could never be the leader of the English people, like Dunstan or Stigand. Let us add too that, though England had had evil Kings before William the Red, she had never had a King in whom evil had so distinctly stood forth as something antagonistic to good. Æthelred and the sons of Cnut had been weak and wicked; but they had not declared themselves the personal enemies of their Maker. In all these various ways it followed that under William Rufus disputes arose between the ecclesiastical and temporal powers, such as never had been heard of, and never could have been heard of, in earlier times. And add to all this, that the few changes in avowed law and practice, the many changes in the spirit of administration, which had come in under William the Great were beginning to bear their natural fruits under William the Red. Where the feudal lawyer was so busily at work, the refinements of his new science could not fail soon to involve the national Church as well as the national State of England in its subtle meshes.

Difference between the position of Anselm and that of his English predecessors.

Difference between William Rufus and earlier Kings.

Results of the changes under William the Conqueror.

Ecclesiastical supremacy of the Crown under

We have seen that William the Conqueror had always steadily maintained that supremacy over the Church within his kingdom which had been handed down to him

[1] See vol. ii. p. 122.

William the Conqueror.

from the Kings who were before him. No Pope could be acknowledged in England against his will;[1] and Bishops and Abbots received the staff from the royal hands, while Hildebrand himself dared not to denounce the ancient custom of England as sacrilege or usurpation. But, with all the greediness which is spoken of as one of the worst points of the character of the elder William, it is certain that he did not make a gain of those ecclesiastical powers which, on the whole, he used for good. He did not sell vacant benefices for money, nor did he eke out his revenues by keeping them vacant that he might receive the profits. But we have already seen that the supremacy of the Crown as exercised by the Norman Kings was, though not greater in extent, yet something different in character, from the same supremacy as it had been exercised by their English predecessors. Under William Rufus the bad side of the change showed itself. The new division between the temporal and ecclesiastical jurisdictions made the King no longer seem the highest member of the national Church; it gave him rather the look of an external friend or an external enemy. It was in this latter character that William Rufus showed himself. The most charitable construction of his acts cannot represent him as being simply anxious to maintain the due supremacy of the temporal power. Nor did he simply, like many kings before and after him, lay his hands on the temporal goods of the Church. Lay hands on them he did, and that in a new form which the subtle logic of the clerks of his chapel easily taught him. Among them the foremost was Randolf Flambard or Passeflambard, of whom we have already heard in the days both of Eadward and of William,[2] and who now rose, as was the fashion of the time, from the post of royal chaplain to the highest offices

Its abuse by William Rufus.

Rise and influence of Randolf Flambard.

[1] See vol. iv. p. 438.

[2] See vol. iv. p. 521.

CH. XXIII. temporal and spiritual. He became Justiciar,[1] and was in the end raised to the see of Durham. It is he who seems to have been the first to draw a natural inference from those feudal principles which were now creeping in, and which he well knew how to turn to the advantage of his master. The new ideas taught men no longer to look on an ecclesiastical office and the temporal possessions attached to it simply as an office endowed with lands, lands held, like other lands, according to law, and liable to such services as the law might lay upon them. The estates of a bishop or abbot came now to be looked on as a fief, a *benefice*,[2] held personally of the King by the tenure of military service. According to the reasoning of the feudal law, whenever anything hindered the due performance of the duties charged on the fief, the fief fell back for the time into the hands of the lord. From this principle sprang the feudal doctrines about wardship and marriage, and from this principle sprang also the doctrine that the revenues of a vacant bishoprick or abbey ought to go to the King during the vacancy. During the vacancy there was no one to perform the duties which were charged upon the fief; the lord therefore took the fief for the time into his own hands. It is easy to see into what abuses this practice might grow in the hands of an unscrupulous King. We have seen that hitherto the way of appointing English bishops and abbots had been somewhat uncertain.[3] Some-

Feudal theory of ecclesiastical benefices.

Profits of the vacancy payable to the King.

[1] The different passages which describe the offices held by Flambard will be found in the Chronicle, 1099; Florence, 1099, 1100; Orderic, 786 C; William of Malmesbury, iv. 314, and Gest. Pont. 274; Eadmer, Hist. Nov. 20; Henry of Huntingdon, Script. p. Bed. 216 A. Most of them are collected by Lappenberg, Norman Kings, 226. See also Stubbs, Constitutional History, i. 298, 347, 348. It seems plain that he was Justiciar.

[2] Oddly enough, in modern use the word *benefice* has come to be used only of ecclesiastical benefices. The distinction between the etymological and the technical sense of the word is brought out by Hadrian the Fourth in his letter to the Emperor Frederick in Radevic of Freising, iii. 22.

[3] See Appendix T. vol. ii. 2nd ed.

times the King, with or without the advice of his Witan, had directly appointed to the vacant office. Sometimes he had approved the choice of the convent or chapter. But in no case could an English prelate be put in possession of his office and of the temporal possessions attached to it without the consent of the King at some stage or other of the process. We are told that the unscrupulous intellect of Randolf Flambard suggested to his master an unprincipled use of this power, by which bishopricks and abbeys were kept vacant as long as it suited the interests of the royal coffers to keep them vacant.[1] The fief had fallen back to the lord, and the lord let its revenues out to farm, till some caprice or some immediate necessity led him to grant it out afresh. A further opening was thus made for the crime which had stirred the soul of Hildebrand to wrath, but from which the hands of the Conqueror had been honourably clean. We have heard now and then in earlier times of English bishopricks and abbeys being bought and sold, sometimes by the Kings themselves, sometimes by the greedy courtiers around them.[2] Under Rufus the practice became systematic. He could seldom be brought to fill up a vacant office, except as the price of a sum paid down which made it worth his while to give up the profits of the vacancy. He thus began an abuse which went on long after his time, and a faint survival of which still lingers in our law. Whatever may be thought as to the secular position of the prelates of those days, and however logically the rule might be derived from feudal principles, there can be no doubt as to the bad working of a law which made it the interest of the King to keep the high offices of the Church as long as possible without holders. What the system came to in the days of Rufus himself is set forth in the emphatic words of the

Randolf Flambard suggests the occupation of vacant sees by the Crown.

This practice a logical inference from feudal ideas.

Consequent prevalence of simony.

[1] See Stubbs, Constitutional History, i. 298.

[2] See vol. i. pp. 563, 588; ii. p. 67.

CH. XXIII. Description of the Chronicler.

Chronicler; "In his days, ilk right fell and ilk unright for God and for world up arose. God's churches he brought low, and the bishopricks and abbacies whose elders fell on his days, all he either sold with fee or in his own hand held and set to gavel, for that he would be the heir of ilk man, ordained and lay. And so on the day that he fell, he had in his own hand the archbishoprick of Canterbury and the bishoprick of Winchester and that of Salisbury, and eleven abbacies all set to gavel."[1] Randolf Flambard himself was an example in his own person of the working of the custom which he had brought in. His services were at last rewarded by the great Bernician bishoprick; but it was not till the church of Saint Cuthberht had stood for three years without a pastor, after the second reign of William of Saint Carilef had been brought to an end by his death.[2]

Degradation of the priesthood under Rufus.

This manner of dealing with the high offices of the Church seems to have led, as it could hardly fail to lead, to a general degradation of the clerical order throughout his kingdom. In an age when education and intellectual pursuits of all kinds were mainly confined to the clergy, the effect of such a way of dealing with ecclesiastical things was, not the substitution of laymen for clerks in places of wealth and power, but the throwing of such places into the hands of a class of clerks who were, in a moral point of view, among the worst of their order. A man could no longer hope to obtain a bishoprick or an abbey by practising the virtues which became a Bishop or Abbot. But, by practising all kinds of secular callings,

[1] Chron. Petrib. 1100. The words of the Chronicler about the King wishing to be heir to every man, layman as well as clerk, seem pointed at the new-fangled feudal notions with regard to secular as well as ecclesiastical property.

[2] The Chronicler records the death of William of Saint Carilef on January 1, 1096, but Randolf Flambard did not receive the bishoprick till Pentecost, 1099.

by becoming a farmer of the royal lands or of the Church lands that were in the royal hands, by undertaking causes in the King's courts, and by holding any secular office, great or small, in the King's service, he might in the end scrape together wealth enough to buy the rank and authority of a Bishop or Abbot.[1] In all times and places where the disposal of ecclesiastical offices rests with the Sovereign, those churchmen who are immediately engaged in the Sovereign's service cannot fail to have a start in the race for preferment. It was so under Cnut, under Eadward, and under the Conqueror. And under the Conqueror we see the first beginnings of that class of clerks of the King's chapel or chancery[2] who had so large a share in the administration of the kingdom, and who even under the Conqueror had often been rewarded with bishopricks.[3] Under William Rufus the Chancery became a nursery of clever and unscrupulous churchmen. They showed themselves congenial spirits with the King, perhaps in his private vices,[4] certainly in his public exactions; and they seem to have almost forgotten their clerical character till the day came when the wealth which they had amassed proved enough to raise them to some of the great places of the Church, in the way in which

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Prelates appointed for secular services.

The clerks of the Chancery.

Their character under Rufus;

their promotion to bishopricks.

[1] It is immediately after his comparison of the conduct of William Rufus with that of his father that William of Malmesbury (iv. 314) gives his curious description of the general degradation of the clergy at this time; "Nullus dives nisi nummularius, nullus clericus nisi causidicus, nullus presbyter nisi (ut verbo parum Latino utar) firmarius."

[2] On these clerks of the chapel and chancery, whose position illustrates the way in which the word *clerk* has got its different meanings in modern use, see Palgrave, iv. 55.

[3] See vol. iv. pp. 393, 690.

[4] Besides the scandals which William of Malmesbury in his first version of the Gesta Pontificum (274) told of Randolf Flambard himself, but which in his second edition he thought it prudent to strike out, his first edition also, but not his second (313), contains stories of the like kind against Robert Bloet, Bishop of Lincoln, "qui nihil unquam pensi fecerit, quominus omnis libidinis et infamis et reus esset."

CH. XXIII. men did raise themselves to them in the days of William Rufus.

Primacy of Anselm. 1093-1109.

It was in the midst of a state of things like this that the holy Anselm, whom we have already seen as a visitor to our shores and as a defender of the fair fame of one of England's worthiest sons,[1] came to dwell among us as the successor of the English martyr for whom he had spoken up against foreign gainsayers. In speaking of this memorable man, I will follow the example of our native Chroniclers, and dwell only on those parts of his career which throw light on the effects of the Conquest and the general working of the Norman rule in England.

Death of Lanfranc. May 24, 1089.

Its effect on the character of Rufus.

We are told that, as long as Lanfranc lived, his influence kept the vices and misgovernment of Rufus under some degree of restraint.[2] When both his father and his tutor were gone, they burst forth in full force. Among his other misdeeds, he kept the metropolitan see vacant for four years. Among the anecdotes of his impiety, some set forth the mockery with which he answered the entreaties of the chief men of his kingdom when they prayed him that he would no longer leave the English Church without a chief shepherd.[3] At last a sickness which seemed to be unto death overtook him while holding his court at Gloucester. In the agonies of a temporary repentance, he promised reformation of his evil ways, promises which were speedily forgotten as soon as he was restored to health.[4] But, during the short

Sickness of Rufus at Gloucester. Lent, 1093.

[1] See vol. iv. p. 443.

[2] The influence of Lanfranc over Rufus is stated very strongly by William of Malmesbury, iv. 312, but it is implied also in the picture given by Eadmer, Hist. Nov. 14.

[3] See the account in Eadmer, p. 364. Compare Church, Anselm, 176.

[4] This comes out strongly in the Chronicle, 1093; "And on his broke he Gode fela behæsa behet, his agen lif on riht to lædene and Godes cyrcean griðian and friðian, and næfre mā eft wiþ feo gesyllan, and ealle rihte lage on

season of his penitence he had been led to do one act which could hardly be undone. The Abbot of Bec was now in England, called thither at the earnest prayer of Earl Hugh of Chester, whose ailments of body and mind needed the presence of the faithful guardian of his soul's health.[1] We are told that the common expectation of all men looked on Anselm as the man who should fill the vacant archbishoprick, and one of the effects of the King's short day of good intentions was to invest Anselm, sorely against his will, with the insignia of the archiepiscopal office.[2] But it should be noted that Anselm's unwillingness was simply an unwillingness to accept the office under any form. We hear not a word of any scruples on his part against becoming a Bishop, if he was to become a Bishop, after the manner which the law of England prescribed. Anselm received the archbishoprick from William the Red, as Stigand had received it from Eadward, as Lanfranc had received it from William the Great. He received the staff from the King's hand; he became the King's man;[3] and he uttered no protest against the writ in which William King of England—the new-fangled title was now coming in—announced to all his faithful subjects, French and English, that he had given the archbishoprick of Canterbury and all that belonged to it to Archbishop Anselm.[4] The scruples which Anselm felt

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Anselm appointed Archbishop.

He accepts the see from the King.

his þeode to habbene . . . ac þæt he syððan ætbræd, þa him gebotad wæs and ealle þa gode laga forlæt þe he us ær behêt."

[1] See Eadmer, Hist. Nov. 14; Vit. Ans. ii. 1. See vol. iv. p. 493.

[2] The story is told in all its vividness by Eadmer, Hist. Nov. 16–18. See Church, Anselm, 179.

[3] Eadmer, Hist. Nov. 20. "Ille igitur, more et exemplo prædecessoris sui inductus, pro usu terræ, homo regis factus est, et, sicut Lanfrancus suo tempore fuerat, de toto archiepiscopatu saisiri jussus est." Eadmer, writing by the light of later papal decisions, feels a scruple which Anselm did not feel at the time.

[4] See the writ in Rymer, i. 5; "Willielmus Rex Angliæ, episcopis, comitibus, vicecomitibus, ceterisque fidelibus suis, Francis et Anglis, salutem."

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The rights of the monks of Christ Church not spoken of.

on these matters in later times all came of his closer intercourse with Rome; they were scruples which were as yet unknown either at Bec or at Canterbury. Nor do we find Anselm expressing the slightest scruple as to receiving the archbishoprick by the gift of the King only, without any reference to the elective rights of the monks of Christ Church or of any other ecclesiastical body. The reluctance of Anselm to accept the office arises only from his personal unwillingness, and from the ties, spiritual and temporal, which bound him in various ways to the Duke of the Normans, to the Archbishop of Rouen, and to his own monks of Bec.[1] Of any conscientious dislike to the way in which the archbishoprick was conferred, repugnant as that way was to all the doctrines for which Hildebrand and his successors had been striving, we hear in the present stage of Anselm's history not a word.

William's recovery and dispute with Anselm.

The consecration of Anselm did not take place till eight months after his first investiture with the pastoral staff by the sick bed of the Red King. Meanwhile William, now restored to health, had found grounds of dispute with the Primate-elect of his own choosing. Some of these had to do with the possessions of the see, which, while they were still in his grasp, the King was by no means eager to give up.[2] This was a common and vulgar ground of quarrel; another had reference to the general state of the Church and to the customs of England as established by the laws of the Conqueror. The see of Rome was still, as in the days of Hildebrand, disputed between two rival Pontiffs. Victor had succeeded Gregory, and Urban had succeeded Victor; but Wibert or Clement

Question of the acknowledgement of Pope Urban.

He goes on to grant the archbishoprick and its possessions, much as Cnut or Eadward would have done, including rights "super tot theines quot Ecclesia Christi concessit Edwardus Rex cognatus meus."

[1] See Eadmer, Hist. Nov. 19; Church, 184.

[2] See Eadmer, Hist. Nov. 20.

still lived, and was still deemed the lawful Pontiff by the Imperial party. By the laws of the Conqueror it rested with the King to acknowledge which Pope he would. Rufus had not yet acknowledged either; and in truth, to judge from the words of English writers, it would seem that the English nation for the most part neither knew nor cared much about the controversy.[1] With Anselm the case was different; the rightful position of the Apostolic See seemed of far greater moment in continental than in insular eyes, and the Abbot of Bec, along with the rest of the Norman Church, had bound himself to Urban by ties which the Archbishop of Canterbury could not throw off. The consecration at last took place without any settlement of this question; but it woke up once more another controversy, which to Englishmen perhaps seemed of greater moment. The consecrator was Thomas of York. He objected to the formula which spoke of the Kentish Archbishop as Metropolitan of all Britain, and Anselm was consecrated as Primate of all Britain, but as Metropolitan, it would seem, only of his own province.[2]

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Consecration of Anselm. December 4, 1093.

Dispute, with Thomas of York.

The year of Anselm's appointment was a year chiefly concerned with the affairs of Scotland, the year of the death of Malcolm and Margaret, and of the momentary revival of the true Scottish nationality under Donald. The next year was the year of William's second expedition to Normandy. A fresh dispute arose because the proud King despised the Archbishop's gifts towards the cost of

Events of the year 1093.

Dispute at Hastings. February, 1094.

[1] Eadmer, p. 32. "Erant Romæ in illis diebus, sicut prædiximus, duo pontifices, qui a diversis apostolici nuncupabantur; sed quis eorum canonice, quis secus, fuerit institutus, ab Anglis usque id temporis ignorabatur." Compare above, p. 92, and vol. iv. p. 437. So before, p. 25; "Erant quippe illo tempore duo, ut in *Anglia ferebatur*, qui dicebantur Romani pontifices, a se invicem discordantes."

[2] The distinction in Eadmer, Hist. Nov. 21, is whether the Church of Canterbury is "totius Britanniæ metropolitana," or only "totius Britanniæ primas."

CH. XXIII. the war,[1] and because of the outspoken rebuke which Anselm gave the King for the disorders of his public and private life. This was a rebuke which Rufus said that Lanfranc would not have dared to make to his father;[2] but it was a rebuke which his father in his worst days had assuredly never needed. Then came the scene at Rockingham, the forerunner of the more famous scene which, seventy years later, was to take place between another King and another Primate within the bounds of the same shire.[3] The question again turned on the acknowledgement of Urban. Anselm had still to go to the Pope for his pallium, but from what Pope was he to seek it? No scene was ever more vividly painted than the story of the great gathering at Rockingham is painted by Anselm's biographer. We get living pictures of the Red King's most trusty advisers, both clerical and lay, of Bishop William of Durham and of Count Robert of Meulan, who had both found it to their advantage to serve with zeal, if not with servility, the King to whom they had once been enemies.[4] But incidents during the meeting showed that the general feeling of the laity, high and low, was on Anselm's side, while the servile Bishops of William's court were seeking his overthrow.[5] There was nothing as yet in the position taken up by

Council at Rockingham. March 11, 1095.

[1] Eadmer, Hist. Nov. 24.

[2] Ib. "Nec antecessor tuus auderet ullatenus patri meo talia dicere."

[3] The scene at Rockingham is described by Eadmer, Hist. Nov. 26 et seqq.

[4] Bishop William is the chief speaker at Rockingham, where Eadmer describes him (28) as "homo linguæ volubilitate facetus quam pura sapientia præditus." Earl Robert comes out more prominently in a later gathering; but I presume that he is the person intended by Eadmer (30) as "Robertus quidam ipsi regi valde familiaris."

[5] See in Eadmer (29) the incident of the "miles unus de multitudine prodens," by which Anselm "intellexit animum populi in sua secum sententia esse." In pp. 29, 30 follows the striking contrast of the Barons and the Bishops.

Anselm which could give any reasonable offence to the great barons, whose position was in some measure independent of the King; and to smaller men, whether of Norman or English birth, the Archbishop, both officially and yet more personally, would seem to be their only possible protector against royal tyranny. In the end, the council broke up without coming to any real decision on the questions at issue. A truce, as it was called, was patched up, and such submission as Anselm made was made with a reservation of his duty to Pope Urban.[1] CH. XXIII.

Nothing decided at Rockingham.

In the course of the year—the year of the rebellion of Robert of Mowbray—William of his own accord settled one question in Anselm's favour. He fully acknowledged Urban,[2] and received his Legate, Walter Bishop of Albano, who came as the bearer of the pallium for Anselm, and as the collector of the arrears of Romescot or Peter-pence, which seems not to have been paid since the accession of Rufus.[3] An attempt on the King's part to bring about the deposition of Anselm by papal authority—so easy is it for men anxious to gratify a personal grudge to cut away the ground from beneath their own feet—failed utterly.[4] So did an attempt to make Anselm receive his pallium from the King's hands.[5] The Primate received the special badge of his archiepiscopal rank in all due form,[6] and he was held for a season to have been restored to the King's full favour.

William acknowledges Urban.

Legation of Walter of Albano. 1095.

Anselm receives the pallium. June 10, 1095.

[1] Eadmer, 31. "Salva semper apud me debita reverentia et obedientia domini Urbani sedis apostolicæ præsulis."

[2] Ib. 32.

[3] Walter's mission is recorded by the Chronicler (1095), who gives him a good English title, which further helps him to a rime; "Eac on þis ylcan geare togeanes Eastron com þæs papan sande hider to lande, þæt wæs Waltear bisceop, swiðe god lifes man, of Albin þære ceastre." He adds, "and man syððan þæt Romgesceot be him sende, swa man manegan gearan æror ne dyde."

[4] Eadmer, Hist. Nov. 32.

[5] Ib.

[6] Ib. 34, and the Chronicle, 1095.

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But good and evil could not long abide together in even outward agreement, least of all when good and evil were embodied in forms which must have been so specially provoking to one another as those of Anselm and William Rufus. For two years there was no open breach; Anselm, though forbidden to hold a synod—another fruit of the Conqueror's separation of the ecclesiastical powers—discharged his metropolitan duties, and, in his character of Patriarch of all the lands beyond the sea,[1] he consecrated more than one Bishop for the eastern cities of Ireland.[2] At last, in the year of the last Welsh war in which the King took a personal share, the final quarrel broke out. Rufus, on his return from Wales, complained that the men whom the Archbishop had sent to the royal army were utterly unfit for service.[3] Anselm was summoned to appear and do right in the King's Court.[4] In return he craved for leave to go to the Pope at Rome. At successive meetings of the Witan, his request was refused, but the charge against himself was not pressed.[5] A new ground of argument was thus opened for the King and his counsellors. It was against the customs of England for the Archbishop to go out of the kingdom without the King's leave.[6] Two points come out strongly in the contemporary biographer's vivid report of this assembly. We get a picture of the Bishops, such as Bishops were in the days of Rufus, drawn by one of themselves. They were men of the

Interval of peace between William and Anselm. 1095-1096.

Consecration of Irish Bishops.

Beginning of fresh disputes; Anselm's contingent in the Welsh war. 1096.

Gemóts of 1096–1097. Anselm asks leave to go to Rome.

Anselm and the Bishops.

[1] Eadmer, Hist. Nov. 30. "Primas est, non modo istius regni, sed et Scotiæ et Hiberniæ necne adjacentium insularum."

[2] See vol. iv. p. 529.

[3] Eadmer, Hist. Nov. 37.

[4] Ib. "*Rectitudinem facere.*" The phrase which we find elsewhere applied to the King of Scots. Cf. its use the other way in Orderic, 857 D.

[5] Eadmer describes the successive meetings, ending with the final one at Winchester; Hist. Nov. 37–41. It cannot be said that anything was really settled at any of them.

[6] Eadmer, ii. p. 39.

world, loving the world and its cares, busy in making provision for their kinsfolk; they could not attain to the holiness of Anselm.[1] But we also see in Anselm himself the beginning of those casuistical distinctions, the beginning of that system of appealing to a foreign power, which comes out still more strongly in the life of his successor Thomas. He has promised to observe the customs of the realm, but only so far as they are conformable to the law of God.[2] Nor will he swear or promise that he will forbear to appeal to the see of Rome from any charge which may be brought against him.[3] No one can doubt the single-mindedness of Anselm; but the kind of position which he now took up fully explains the change of mind in the lay nobles who had stood by him at Rockingham, but turned against him at Winchester. They would defend Anselm when he was attacked on unjust and frivolous charges; but they would listen to nothing which called in question the customs of the realm, or which tended to bring in a foreign jurisdiction. In the end Anselm triumphed; he was allowed to go, and that without pledging himself to any line of conduct after he had gone. And though he was followed by insults up to the last moment, he did not go without taking a touching farewell, in which the godless King, moved perhaps for a moment, did not refuse the blessing of the saint.[4] "He took leave of the King," says

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Distinctions drawn by Anselm.

Anselm takes leave of the King. October 15, 1097.

[1] Eadmer, 39.

[2] Ib. The distinction drawn by Anselm is that he would observe "secundum Deum" such customs as were "per rectitudinem et secundum Deum." In the mouth of a less scrupulous person than Anselm this might mean anything, but it is something quite different from the "salvo ordine meo" of Thomas.

[3] Ib. 39, 40. Anselm's objection to the oath is, "Hoc enim jurare, beatum Petrum est abjurare; qui autem beatum Petrum abjurat, Christum, qui eum super Ecclesiam suam principem fecit, indubitanter abjurat."

[4] This impressive scene is described by Eadmer (41) with almost more than his usual vividness. It comes out well in the narrative of Sir Francis Palgrave, iv. 219.

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Anselm's reception in other lands.

He defends the *Filioque* at Bari. October, 1098.

Urban hinders him from resigning the archbishoprick.

Decrees of the Lateran Council, April, 1099, against lay investiture and homage.

the Chronicler, "though it to the King unwilling were, as men deemed, and over sea he fared, because it thought him that man in this nation did little after right and after his dight."[1] He went to be received in other lands as the Pope of another world,[2] as saint and confessor. His theological skill was held to have successfully defended the one theological dogma which the West has striven to force on the changeless East.[3] His cravings to be allowed to lay aside his thankless office were refused by a Pontiff who knew better than to give up an inch of ground to the enemy.[4] But no real help was given, or could be given. No excommunication was hurled against the tyrant from whom the saint had fled. But an excommunication was denounced against all who should do as Anselm himself had done, against all churchmen who should accept investiture of ecclesiastical benefices from lay hands, against all churchmen who should become the men of a temporal lord, and should put their pure hands between the polluted hands of an earthly sovereign.[5] In short, the Bishop of Rome took upon him to denounce the laws of England and of Normandy as accursed. A foreign prelate dared to decree, that what no man had scrupled to do in the days of King Eadward and in the days of King William could no longer be done without drawing on the doer the wrath of Heaven and of Heaven's supposed vicegerent.

[1] 1097. "Forðam him þuhte þæt man on þisne þeodan lytel æfter rihte and æfter his dyhte dyde." By losing the word "dyhte"—the kindred verb is not quite dead—we lose the rime of the older English.

[2] Eadmer, Vit. Ans. ii. 42. See vol. i. p. 146.

[3] On the Council of Bari, see Hist. Nov. 49. There is a special treatise of Anselm, "de Processione S. Spiritûs."

[4] Hist. Nov. 48.

[5] The astounding language of this decree will be found in the Historia Novorum, p. 53. In the texts both of Selden and Migne I venture to correct "Angelorum" for "Anglorum." The notion of our "angelica facies" seems to follow us everywhere.

Thus, for the first time in English history, the highest subject of the English realm carried, in fact, if not in form, an appeal from his own sovereign to a foreign power.[1] For the first time, an Englishman by adoption, if not by birth, sat by without a protest, while a foreign priest took upon him to annul the laws of England. And yet who can dare to blame Anselm for doing what, in any earlier reign, no less than in our own day, would have seemed the blackest of treasons? Under the rule of William the Red, law had become unlaw, and in appealing from him to the apostolic throne, Anselm might deem that he was appealing from mere force and fraud to the only shadow of right that was still left on earth.[2] In appealing to Rome, in the person of Urban, he at least appealed to something higher than the personal will of a profligate and capricious tyrant. For in those days of England's bondage, the laws of England, the decrees of her Witan, the utterances of her Earls and Bishops, had sunk to be only the mouth-pieces of the arbitrary will of her foreign oppressor. All this could never have been under the worst of England's native Kings. With a foreign King on her throne, with foreign Bishops at her altars, the appeal to a foreign power no longer seemed something out of the very order of nature. And all this shows too how utterly even the greatest of men may fail in their schemes, when they forge weapons which they themselves can wield, but which in other hands may be turned against their wielders. When the Conqueror placed the two swords in separate hands, he made it possible that those swords should clash against each other. When, even before the English Crown was his, he called on the Roman Pontiff to judge between him

CH. XXIII.

Beginning of appeals to Rome.

Explanation of Anselm's conduct.

Increased influence of Rome the natural result of the Conqueror's policy.

[1] I reserve the possible case of William of Saint Carilef (see above, p. 79); and in any case his appeal was not of the same importance as that of Anselm.

[2] See Church's Life of Anselm, p. 223.

CH. XXIII. and its lawful holder, he taught men to look to a power beyond the sea as a ruler and a judge in the affairs of England. He taught men to argue that, if the Roman Pontiff could rightly be called to judge between two claimants of the English Crown, he might also be rightly called upon to judge between the wearer of that Crown and his own subjects. The Conqueror had called on the Roman Bishop to set aside the law of England, to annul that act of the English people which had given their Crown to Harold and not to William. It might well be deemed that the Roman Bishop might be more rightly called on to set aside other portions of the law of England, when that law had been turned into unlaw, when right seemed embodied in the power which spoke from beyond the sea, and when the brute force of unright seemed embodied in the foreign master to whom the powers, but not the spirit, of the ancient Kings of the Island realm had passed.

Last three years of William Rufus. 1097-1100.

In dealing with the events of this wonderful reign, less as a direct narrative than as a commentary on the results of the yet more wonderful reign that went before it, I have grouped the facts rather according to the connexion of subjects than according to the strict order of time. But the departure of Anselm from England has again brought us near to the end. Of the thirteen years of the reign of the Red King, ten had passed when he bent his head for the last time to receive the blessing of the holy Primate. In the three years still to come, while Anselm dwelt as an honoured exile at Lyons, at Rome, at Bari, while William spent on his wars or his pleasures the vast revenues of the mother church of England, events of which I have already spoken crowded fast on one another. Scotland received her King from the English over-lord; the Norwegian invader, and with him the son

of Harold of England, showed himself for a moment off the coast of Britain; Helias of Maine was driven from the city which he had again made his own by the untiring energy of the Red King. And now the end was come. The last year of William Rufus was peaceful; we hear nothing of wars or revolts, but only of lawful gatherings on the three spots where the Kings and the Witan of England were wont to come together.[1] The Red King was at the height of his power and his pride. He was lord from Scotland to Maine; the truce secured him against his own lord at Paris; he had nothing to disturb the safe enjoyment of his own will; there was no enemy to dread, no troublesome monitor to rebuke or to warn. But warnings, so men deemed, were not wanting. Strange sights and sounds showed themselves to men's eyes and ears;[2] strange warnings came to the doomed King himself; if Anselm was gone, less renowned prophets of evil arose to play the part of Micaiah.[3] All warnings were vain. As all the world has heard, the Red King died, by what hand no man knew,[4] in the spot which his father's cruelty had made a wilderness, glutting his own cruelty to the last moment of his life by the savage sports which seek for pleasure in the infliction of wanton suffering. Cut off without shrift, without repentance,[5] he found a tomb within the Old Minster of Winchester, but the voice of clergy and people, like the voice of one man, pronounced, by a common impulse, the sentence which Rome had feared to

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Last year of Rufus.

Gemóts of 1099–1100.

Death of William Rufus. August 2, 1100.

His burial and popular excommunication.

[1] The Chronicler records the Christmas Gemót at Gloucester, that of Easter at Winchester, that of Pentecost at Westminster; directly after Pentecost the signs and wonders begin.

[2] We get the signs and wonders in the Chronicle and Florence, 1100; in Henry of Huntingdon, in William of Malmesbury, iv. 332, 333; but most fully in Orderic, 781.

[3] See the warning of the monk of Gloucester in Orderic, 782 A.

[4] See Appendix V.

[5] "Buten behreowsunge and ælcere dædbote," says the Chronicler. So Eadmer, Hist. Nov. 54.

CH. XXIII. pronounce. As Waltheof and Simon and Thomas of Lancaster received the honours of a popular canonization, so William Rufus received the more unique brand of a popular excommunication. No bell was tolled, no prayer was said, no alms were given, for the soul of the one baptized and anointed ruler whose eternal damnation was taken for granted by all men as a thing about which there could be no doubt.[1] Yet, by the strange irony of fate, while the tomb of his father, while the tombs of Harold and Waltheof, have been swept away, we may still see in the choir of the Old Minster[2] the stone, marked by no legend or ornament or image, which men laid, whether in awe or in gladness—it could not be in sorrow—over the unhallowed corpse of a King who had been so highly gifted, but who had, in a way that few men ever have done, chosen of fixed purpose to turn his mighty gifts into instruments of evil.

His tomb.

§ 3. *The Reign of Henry the First.*

1100—1135.

Character of the reign of Henry the First.

We enter now on a long and busy reign, on a time when changes which the Norman Conquest brought with it were busily at work, but when their work was mainly done in silence. England was now fast settling down under the new state of things. We now begin to see the first working of those causes which, before a century had passed, had drawn together all the natives of the soil without thought of older differences of speech and race. The King who now came to the Crown came

Silent drawing together of English and Normans.

[1] Compare the account in William of Malmesbury, iv. 333, with the more outspoken tale of Orderic, 782, 783. The few who lamented Rufus were "stipendiarii milites et nebulones ac vulgaria scorta."

[2] So it was when I was last there; I hear that the Red King has since received the unlooked-for honours of a translation.

to it with the hearty good will of the English people. CH. XXIII.
All hope of a restoration of the native dynasty had passed away. In truth the new dynasty had in some sort become more native than the old one. Henry, the youngest son of the Conqueror, was, by an exercise of that feeling which always sees the best in every man of royal birth, looked on as an Englishman. He alone of the children of the Conqueror could claim to be an English Ætheling, born on English soil, the son of a crowned King and his Lady. Such an one might seem to have higher claims, he might even seem to be more truly English, than the last surviving male of the house of Cerdic, who was not the son of a crowned King and who was not born on English soil. And, though Eadgar had under the reign of Rufus shown himself in a higher light than he had shown himself under the reign of the Conqueror, yet it was plain that he had a greater gift of winning crowns for others than for himself. Eadgar too, the constant friend and follower of the Norman Robert, might almost seem to have passed into a Norman, while Henry, at least at the beginning of his reign, took every pains to hold himself up in the eyes of England as an Englishman. If anything was wanting to satisfy the national sentiment, it was doubtless supplied by his marriage with a wife who by the spindle-side came of the Old-English stock. The first act of his reign was another renewal of the laws of Eadward, and there is no reason to believe that this promise, so far as it meant anything at all, was seriously broken. The so-called Laws of Henry the First are not to be looked on as real statutes put forth by his authority; but they are a witness to the law as it stood in his time, and, as such, they set before us a law which, in its main features, is still purely English. And in the glimpses which we get of Henry's administration of the law, alike in its good and in its bad side, in the general peace and

English claims of Henry.

Relative positions of Henry and Eadgar.

Henry's marriage.

His laws.

His administration.

CH. XXIII. safety which he established, and in the notices of occasional hardship which peep out, we see little to make us think that there was much oppression directly inflicted on Englishmen as Englishmen. We read a tale of bitter wrong in which we incidentally see that the sufferer was a man of Old-English descent and speaking the English tongue. But there is nothing to show that a man of Norman descent might not have suffered as deeply at the same hands, and it is plain that the English sufferer met with Norman sympathizers.[1] In fact the distinction between men of Norman and men of English birth was now fast dying out, and another distinction was taking its place. We are often apt to look on distinctions of race and speech as having more weight than they really have, and to forget how easily the feeling of birth in the same land takes their place. This tendency is one which we constantly see in our own days. The wrongs of Ireland, the crimes of the Saxon, are constantly set forth by men whose names proclaim that their forefathers crossed into Ireland, perhaps with Strongbow, perhaps with Cromwell. They are set forth by men who do not understand a word of the ancient tongue of the island of which they make themselves the champions, and who are driven to set forth the tale of Saxon oppression in the Saxon speech. So too, in a more harmless shape, the descendants of Norman and English settlers within the Welsh border, men bearing Norman or English names and unable to speak a word of the old British tongue, both identify themselves and are identified by others with the

No sign of oppression of Englishmen as such.

Tale of Ralph Basset and Brihtstan. 1116.

Sentiment of country supplants sentiment of race.

Modern examples.

[1] I refer to the story which is told incidentally by Orderic (628–631), in a letter from Hervey, the first Bishop of Ely. It describes the unjust treatment which one Brihtstan met with at the hands of the Justiciary Ralph Basset in 1116, and how he was delivered by the joint agency of a heavenly and an earthly patroness, Saint Æthelthryth and Queen Matilda. See Appendix W. Of Ralph Basset we shall hear again in Orderic (905 D), where he has another Christian name.

land and the people among whom their fathers came, perhaps as oppressors, anyhow as strangers. So too in the days with which we have to deal, the Norman settled on English ground, holding his estate by English law, not uncommonly the son of an English mother, soon came to look on himself and to be looked on by others as English rather than as Norman. That this change was fast taking place in the reign of Henry the First we have distinct proof. The reign of the English-born King was, after all, not an English reign. It was in some respects even less English than the reign of his brother. Henry, at least in his later years, was more constantly absent from England than Rufus had been. For some years before his death he lived mainly on the Continent, engaged in planning and carrying out a wide-spread scheme of foreign policy. We hear too the complaint that, in the bestowal of the great offices in his gift, Englishmen were shut out as systematically as they could have been under his father or brother. An English writer complains that nothing could induce King Henry to bestow any great ecclesiastical preferment on an Englishman. This, we are told, was largely owing to the influence of his great friend and counsellor Count Robert of Meulan, who had led the French charge at Senlac[1] and who is said to have had no love for Englishmen.[2] But, if we look into the matter, we shall see that these words are to be taken in quite another sense from what they would have borne, if it had been said a generation earlier that Bishop Odo or Earl William Fitz-Osbern did not love Englishmen. The complaint after all is not to be taken quite literally, for some men of English descent in the strictest sense did rise to high places under Henry. And, so far as it is true, we must understand by Englishmen natives of England of whatever race, the sons and grandsons of those who fought under William at Senlac,

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Un-English side of Henry's reign.

His constant absence from England.

Bestowal of benefices on foreigners.

Influence of Robert of Meulan.

New meaning of the word Englishman.

[1] See above, p. 101.

[2] See Appendix W.

CH. XXIII. no less than the sons and grandsons of those who fought under Harold. In a long list of men promoted to high ecclesiastical office under Henry, we find that nearly all are Normans in the local as well as the national sense. Sometimes indeed natives of other parts of Gaul were transferred from monasteries beyond the sea to the rule of the great churches of England. The Norman was now beginning to be what the Poitevin and the Savoyard were a hundred years later; and men born in the land, of both races alike, began to be jealous of him. Both the good and the bad side of Henry's rule in England touched all natives of England alike; and all natives of England must have grudged to see that their King loved Normandy better than England, that he chose Normandy as his dwelling-place oftener than England, that he promoted natives of Normandy rather than natives of England to high offices on both sides of the sea. At the same time the fame of England, as a power, was fast growing in foreign lands. The feelings and the manner of speech which had begun under Rufus went on with increased force under Henry. The French wars of Henry were, like the wars of his brother, waged, not for English but for Norman interests. Still in French eyes they were English wars; they were largely carried on with English troops, and, in the successes of the King of England, the name of England and her people were magnified among the men of other lands. In short, great as is the indirect importance of this reign in the internal history of England, its outward events have chiefly to do with foreign wars and a subtle foreign policy. Within the island there is comparatively little to tell. When Henry, like his brother, had crushed one rebellion at the beginning of his reign, he found England even more tranquil for the rest of his days than his brother had found it. In Normandy he had to deal with a competitor within his own

Common interest of all natives of England.

Position of England as a power.

Chief events of Henry's reign foreign.

Peace of his English reign;

duchy and with a jealous and powerful enemy on his border; in England he had neither to disturb him. On the side of Scotland there was a time of unusual peace; the only enemies within the four seas of Britain were the half-conquered Welsh, ever striving to throw off the yoke in their own land, ever showing themselves as troublesome, if not dangerous enemies, on the English border. But the reign of Henry is set down, with somewhat doubtful truth, as the time of the final conquest of at least the southern part of Wales.[1] It was certainly the time when the policy of Henry took one of the wisest steps to secure his conquests in those regions by a systematic plan of colonization. In the eyes of men of his own time, both of his own subjects and of strangers, Henry seemed the most fortunate and the most powerful of princes.[2] In the eyes of his own subjects, he bore the higher title of the Lion of Justice.[3] He was the man whom the national Chronicler, after uttering not a few complaints in detail, could send out of the world with the noblest of panegyrics. "Good man he was, and mickle awe was of him. Durst none man misdo with other on his time. Peace he made for man and deer." And his praises could be wound up with the same old proverbial phrase which we have heard of every King who did justice from the Bretwalda Eadwine onward, that "whoso bare his burthen, gold and silver, durst none man say to him nought but good."[4]

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relations with Scotland and Wales.

Henry the "Lion of Justice."

Character given him by the Chronicler.

It is singular that a reign so different in many respects from the reign that went before it should read in so many of its details like the same story told again. In the case

Points of likeness between the reigns of Rufus and Henry.

[1] See Giraldus, It. Kamb. ii. 1 (vol. vi. p. 103); Will. Malms. iv. 311, v. 401. There is some exaggeration in the phrase, still they mark the reign of Henry as a special epoch in the progress of Welsh conquest. Cf. Will. Gem. viii. 31; Hen. Hunt. 218 b.

[2] See Appendix X.

[3] This title comes from the prophecy of Merlin in Orderic, 887 D, and Suger, Vit. Lud. 15 (Duchesne, iv. 295).

[4] Chron. Petrib. 1135. Cf. vol. ii. p. 172; vol. iv. p. 619.

CH. XXIII. of Henry, as in the case of Rufus, the King was called to the Crown with the good will of the English people, and in both he had at once to defend his Crown against Norman disloyalty in England and against the assaults of the reigning sovereign of Normandy. Presently, in each case, the internal state of Normandy calls for the intervention of the sovereign of England, and in each case, though by different means, England and Normandy are again united under a single ruler. Each King begins with the same eager attempt to draw to himself the loyalty of Englishmen, though it is quite unreasonable to represent the promises of Henry as having been no less utterly trodden under foot than the promises of Rufus. The dispute with Anselm, the exile of the Primate at Rome and Lyons, seem to come over again; though, on looking more closely into the matter, it will be seen that nearly every detail of the two stories differs. And, utterly different as is the general character which our historians give us of the two Kings and their government, it is strange to hear nearly the same special complaints in each reign; in both we are told of the same heavy exactions, of the same oppression of the King's immediate followers, and, oddly enough, of the same frequency of remarkable natural phænomena. Bad crops and bad weather it would be unfair to lay to the charge even of William Rufus. With regard to those evils which Kings and laws can cure, the difference seems to have been that, while the same evils arose in both reigns, William did nothing to cure them, while Henry at least did a little.

Character of Henry.

His personal appearance

The personal character of Henry is marked by several features which distinguish him from both his father and his brother. His bodily frame was that of his family; thick-set and strongly made, of moderate height

and inclining to fatness; but his black hair falling over his brow like that of Trajan, and the soft expression of his eyes, a contrast to the fierce look of Rufus, were points peculiar to himself.[1] Temperate in all pleasures but two, he inherited the excessive love of the chase which was characteristic of his house, and in his personal life he stood apart alike from the austere virtues of his father and from the foul vices of his brother. He was the father of a crowd of natural children by various mothers; yet, after the reign of Rufus, his accession was looked on as bringing with it a great moral reform.[2] In other respects the brothers were yet more unlike. Henry was as little disposed as Rufus to yield to extreme ecclesiastical claims; but he always treated religion and its ministers with at least a decent respect, and he appears as a bountiful founder and benefactor of religious houses.[3] He is described as ready and pleasant in speech, but as free, it would seem, from the love of scurrilous jesting which distinguished Rufus.[4] The literary tastes which were the result of his careful education in his childhood are said never to have wholly forsaken him.[5] Yet the one actual illustration of his acquirements which we incidentally come across may perhaps be thought rather to illustrate the prevailing ignorance of men of his own class in his own day. It is set down as something remarkable that the learned King was able himself to read and understand a letter, doubtless in Latin, which was brought to him from King Philip.[6] And signs of intel-

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and conduct.

His natural children.

His deference to the Church.

His personal habits.

His continued literary tastes.

[1] We get his personal description from William of Malmesbury, v. 412. Cf. Ord. Vit. 901 D.

[2] A list of Henry's natural children is given by the Continuator of William of Jumièges, viii. 29. Compare Lappenberg, Norman Kings, 348. See Appendix X.

[3] See Appendix X.

[4] Will. Malms. v. 412. "Facetiarum pro tempore plenus; nec pro mole negotiorum cum se communioni dedisset, minus jucundus."

[5] See the passage of William of Malmesbury quoted in vol. iv. p. 791.

[6] See Orderic, 812 D.

CH. XXIII. His study of natural history.

lectual tastes come out in another way. If Henry was a sportsman, he was also a naturalist, and, in making peace for man and deer, he brought together a collection of strange animals in his park at Woodstock, for purposes not of cruelty but of study.[1] But, if we thus see in Henry a man of higher tastes than his brother, and free from the worst features of his brother's character, he had no share in the chivalrous spirit, the acts of occasional generosity, which, in his own time at least, went some way to redeem the blacker stains of the Red King. Rufus was a creature of impulse, and his impulses, if more commonly evil, were sometimes good. Henry seems to have been under the power of no impulse, good or bad. He appears as cold, crafty, politic, as no lover of war, as always liking to carry out his schemes by wiliness rather than by force.[2]

His cold and passionless policy.

Seeming contradiction of his alleged humanity and cruelty.

His admirers gave him credit for a humane dislike of bloodshed; they gave him credit for a real desire to save his people from needless burthens and sufferings.[3] It is not merely in the high-flown rhetoric of a panegyrist that we find language of this kind used; and, such is the inconsistency of human nature, that motives of this kind may really have had an influence with a man many of whose actions seem to bear quite another character. We may at least believe that Henry took no delight in wrong for its own sake, and was perfectly ready to hinder wrong, whenever wrong was not called for by his own purposes. Yet in more than one tale Henry stands forth as guilty, at the bidding either of his policy or of his revenge, of acts of cold-blooded cruelty, the like of which we do not find recorded of his father or even of his brother. The man who hurled Conan from the tower of Rouen with his own hands,[4]

[1] Henry's zoological garden at Woodstock is spoken of by William of Malmesbury, v. 409; Henry of Huntingdon, Script. p. Bed. 218 B; and again in the De Contemptu Mundi (Ang. Sac. ii. 695).

[2] See Will. Malms. v. 412. [3] See Appendix X. [4] See above, p. 85.

and who did not spare the eyes of his own grandchildren,[1] had something in him of which in the Conqueror we see no trace. We hear of his constancy alike in enmity and in friendship, and of the first part of the description there is at least no doubt. But others paint him as one whose plighted word went for nothing, as a dissembler who, when he spoke specially well of any one, was sure to be compassing his destruction.[2] His natural powers and his careful education had done much to clear and strengthen his intellect; they had not done much to warm his heart or to guide his conscience. Self-interest seems to have been his guiding rule through his life; but he was at least clear-sighted enough to see that the interest of a King and the interest of his subjects are for the most part the same.

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His alleged dissimulation.

Self-interest his guiding rule.

But it was as the Lion of Justice that Henry stood forth before all other rulers in the eyes of the men of his own day. It is not merely his flatterers who describe him as the almost perfect model of a King; it is from men whose moral sense was not darkened, who neither hide his crimes nor strive to glose over his vices—it is from men who send up the bitterest wail of anguish at particular acts of his reign—that we learn what the merits of Henry as a ruler really were.[3] His merits were indeed the merits of a

His strict administration of justice.

[1] The story of Henry's natural daughter Juliana, the wife of Eustace of Pacy, is told by Orderic, 848. Her two daughters were given as hostages for the good faith of her husband, who held the castle of Ivry, while the son of Ralph Harenc was given as a hostage to Eustace. Eustace tore out the boy's eyes and sent him to his father. Henry then, to say the least, allowed Ralph to put out the eyes and cut off the noses of the daughters of Juliana, his own grandchildren. Henry of Huntingdon (De Contemptu Mundi, Ang. Sac. ii. 699) makes the mutilation his own act. The rest of the story of Juliana, her attempt to shoot her father, and Henry's ludicrous vengeance, which reminds one of the grim pleasantry of his father, is told, after Orderic, by Lingard, ii. 23; Lappenberg, 325. For other stories of Henry's cruelty, see Appendix X.

[2] See Appendix X.

[3] See Appendix X.

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His government practically despotic.

despot, but the strong hand of a despot stretched out in the main to do good, and not to do evil, was what England in her day of sorrow really needed. "Good man he was, and mickle awe there was of him." These words show what was then deemed to be the first duty of a ruler. Men had no awe of the careless Robert, who could not do justice if he would; they had another feeling than awe for the brutal Rufus, who could have done justice, but who would not. King Henry both could and would. Men sound his praises in the same strains in which they sound the praises of Godwine and Harold and William the Great.[1]

His impartial severity.

"Durst none man misdo with other on his time." The hand of Henry was heavy on all disturbers of the public peace, great and small, French and English. From his justice no claims of race or of rank could deliver the offender;[2] indeed his policy went hand in hand with his justice in putting down the proud families whose swords had helped his father to win England, and in raising up a new order of men who owed all their greatness to himself.[3] His justice was sharper than his father's; a special law of Henry, revoking his father's law against capital punishment,[4] secured the peace of the land by denouncing death by hanging against thieves and robbers of every class.[5] Both this severer penalty, and the lesser punishment, as it was in those days thought, of blinding and mutilation, were constantly put in force. And, if it was whispered that now and then the innocent suffered as well as the guilty, that

His promotion of new men.

He punishes robbery with death.

[1] See vol. ii. pp. 34, 40, 172.

[2] Suger (c. 15), applying the prophecy of Merlin to Henry, says, "Perit milvorum rapacitas, et dentes luporum hebetabuntur, cum nec nobiles nec innobiles deprædari aut rapere quacumque audacia præsumunt."

[3] This is brought out very strongly by Orderic, 805 B, C; cf. 903 A, and Gesta Stephani, 14.

[4] See vol. iv. p. 625.

[5] Flor. Wig. 1108. "Rex Anglorum Heinricus pacem firmam legemque talem constituit, ut, si quis in furto vel latrocinio deprehensus fuisset, suspenderetur."

was perhaps in those days deemed a less evil than if the guilty had been allowed to go free.[1] In Henry's days the people made their moan that they were ground down with strong "motes" and strong "gelds;"[2] they told, in the same words that they had told in the days of his brother, of the wrongful and shameful deeds that were done by his immediate followers. But, unlike his brother, Henry was ready to redress the wrongs done by his own officers and followers, at any rate when they took the form of open breaches of the law. The insolence of his immediate followers was checked by a severe statute, put forth by the advice of Anselm and the other great men of the realm.[3] So too, if Henry was greedy in wringing money from his subjects, yet, twice at least in his reign, the full weight of his justice came down, to the deep joy of his people, on the moneyers who had cheated both him and them by an issue of false coin. In all these cases bodily mutilation was the doom of the offenders, and it may be noticed that, in this generation, we never meet with any feeling against punishments of this kind, if only the sufferers were

He punishes the misdeeds of his own followers,

and of the false moneyers.

Frequency of mutilation; no general feeling against it.

[1] Take for instance the story which the Chronicler tells under the year 1124, of the kind of justice done by the Justiciar Ralph Basset, of which we have already seen one specimen (see above, p. 150). Forty-four thieves or reputed thieves were hanged, and six blinded and mutilated, some of whom were generally believed to be innocent. "Fela soðfeste men sæidon þæt þær wæron manege mid micel unrihte gespilde, oc ure Laford God ælmihtig, þa eall digelnesse seð and wat, he seoð þæt man læt þæt ærme folc mid ealle unrihte ærost man hem beræfoð her eahte, and siþðon man hem ofslæð." Yet even such a wail as this does not hinder the Chronicler from sending Henry out of the world with the panegyric which has been already quoted.

[2] Chron. Petrib. 1124. "Ful hevi gær wæs hit. Se men þe æni god heafde, him me hit beræfode mid strange geoldes and mid strange motes; þe man ne heafde stearf of hunger." These words immediately follow the passage just quoted.

[3] The grievances of the people at the hands of the King's immediate followers in the days of Rufus are set forth by Eadmer, Hist. Nov. 94, who records the redress of the grievance. The Chronicler gives a picture of the same kind in the year 1104.

CH. XXIII. believed really to be guilty. In fact, in an age which had few gaols and no penal colonies, it may well have seemed that the best way to deal with a sinner who was not to be put to death was to make him personally incapable of sinning again.[1] We read that, in the earlier part of his reign, Henry was most inclined to punishments of this kind, which he afterwards, whether out of humanity or out of avarice, largely commuted for fines in money.[2]

He commutes mutilation for fines.

There is another feature of Henry's reign which, though it may be explained in other ways, may well have been connected with this strict administration of justice. I have already remarked that, in a certain sense, the Norman Conquest was a Saxon Conquest, that it finally established the supremacy of the Southern or Saxon part of England over the rest of the kingdom and of the island.[3] The King of the English was still, before all things, a King of the West-Saxons. Save when the needs of warfare called for their presence elsewhere, the two Williams are seldom heard of far from the West-Saxon border, seldom further from it than the old place of assembly at Gloucester, itself in a sense West-Saxon ground. The council held by William Rufus at Rockingham[4] is a rare case of an assembly held on the other side of the Watling-Street.

Predominance of Wessex under the two Williams.

Constant going to and fro of Henry,

But under Henry we get the beginning of that intense activity on the part of our Kings, that constant moving from place to place, which comes out strongly in many later reigns, and which the Kings of England shared with the German Kings and Emperors. But King Henry is

[1] The punishment of the false moneyers is recorded by all our authorities, including the Continuator of Florence under the year 1125. Eadmer (94), and after him Florence, mention the earlier case in 1108. See Appendix X. In Rymer (i. 12) we find a writ denouncing punishments of this kind against offenders in the matter of the false money.

[2] Will. Malms. v. 411. See Appendix X.

[3] See above, p. 65.

[4] See above, p. 140.

found holding assemblies, and appearing for various purposes, in new places within or near the West-Saxon border.[1] Oxford is restored to its old honours;[2] but it has to share them with Woodstock, once the scene of legislation in the days of Æthelred, and now the place alike of the royal pleasures and the royal studies.[3] But we hear of Henry also at places which had never before been heard of as seats of national assemblies, places which, except through the necessities of warfare, had seldom been visited by Kings since England had had one sovereign. He shows himself in all parts of the kingdom, and the solemn ceremony of wearing the crown is no longer confined to Winchester, Westminster, and Gloucester. It takes place, especially in the latter years of his reign, at Saint Alban's, at Dunstable, at Brampton, at Northampton, and at Norwich.[4] We read how a deputation from his continental dominions found Henry, as a continental embassy had once found Æthelstan, holding his court within the shire of his birth, in the northern metropolis itself.[5] And once we find him even further still from the old seats of West-Saxon kingship, receiving perhaps the hospitalities of Randolf Flambard in the episcopal castle of Durham,[6] and providing for the strength of the great border fortress of Carlisle.[7] Much of this moving to and fro may have had to do with the practice of receiving the proceeds of the royal estates in kind and consuming them on the spot. Much of it may have had to do with the King's love of hunting in the many forests which he so strictly kept for his own pleasure. Still we can well believe that the

CH. XXIII. in Wessex, and out of it. His visits to the North of England. Various motives for these progresses.

[1] See Appendix X.

[2] Hen. Hunt. 220 *b*. "Ad pascha [in 1134, one of the years for which the Chronicle has no entry] fuit Rex apud Oxineford in nova aula." Compare vol. i. pp. 409, 462; ii. p. 498.

[3] See above, p. 156.

[4] See Appendix X.

[5] Ord. Vit. 874 B. Cf. vol. i. pp. 208, 224.

[6] Hen. Hunt. 1122.

[7] Sim. Dun. 1122.

CH. XXIII. King who did justice was really led, in part at least, by a wish, like that of Ælfred or Cnut, to see with his own eyes that justice was done in all parts of his kingdom. This was the more needful now that the viceroyalty of the ancient Earls was swept away, so that, except in one or two special palatinates, justice had everywhere to be done by the immediate officers of the Crown. At all events, the system of royal progresses, of holding assemblies in various parts of the land, is a marked feature of the reign of Henry, and it is one which must have gone far to bring about that more thorough consolidation of the whole kingdom which was one great result of the Norman Conquest.

Their effect on the consolidation of the kingdom.

Henry's fiscal exactions.

Among the faults attributed to Henry, as well as to his father,[1] we find that of avarice, and the charge is accompanied with a picture of money extorted in various unjust ways, but always, it would seem, under some cover of legal right. The cry against the fiscal oppression of Henry's reign goes up almost year after year from the national Chronicler. In one case we distinctly see the national feeling rising up against one of the new-fangled forms of feudal exaction, the demand of an aid on the marriage of the King's daughter. A pitiful picture is drawn of the sufferings which were endured by the poor, and we hear how every kind of litigation and accusation was encouraged which might bring in gain to the royal Exchequer.[2] More than once in his reign Henry found a strange source of revenue in extorting fines from those priests who still dared to keep wives in spite of the new canons.[3] In all this we see the further carrying on of that fiscal spirit which came in under the Conqueror, and which grew under his successors till the main

Money extorted from married priests.

Fiscal spirit of the Norman Government.

[1] See vol. iv. p. 620.

[2] Eadmer, Hist. Nov. 83. This is in 1105, during Anselm's absence.

[3] Eadmer (u. s.) tells this story. The King laid a fine on the married clergy, and, when he found that this did not bring in so much as was looked for, he fined them all round, married and unmarried. The Queen was implored to help them, but she was afraid.

end of government seemed to be the collecting and increasing of the King's revenue.[1] This was one of the direct results of the Conquest; it was the bringing in of a wholly new spirit into the administration. In the old times we read of no complaints of exactions in money, except in some such extraordinary case as the laying on of the Danegeld. Whatever wrongs may have gone on in the days of Æthelred or in any other evil time, we hear nothing of that particular form of unlaw and unright which consisted in abusing the King's authority to wring money out of all classes of the people by every form of vexatious demand. This evil began with the Conqueror; it went on under the Red King; it went on under Henry, and we are told that it was all the more heavily felt under Henry, because, after the exactions of his father and brother, the people had less left to pay.[2]

This form of oppression an immediate result of the Conquest.

On the other hand, we hear the praises of Henry sounded on one point on which we should rather have looked for a voice the other way. While the enforcement of the cruel laws of the forest is set down to the bad side of his father's account, it seems to be said rather to the praise of Henry that "peace he made for man and deer." In his love for the chase he enforced the legislation of his father in all its strictness, and he kept up the cruel mutilation, the *lawing* as it was called, of all dogs in the neighbourhood of the royal forests.[3] But when we read that he kept the right of hunting throughout the whole kingdom in his own hands,[4]

His enforcement of the forest laws.

He keeps all hunting in his own hands.

[1] This is well brought out by Gneist, Englische Verwaltungsrecht, i. 194.

[2] Eadmer, u. s.

[3] Ord. Vit. 823 B, C. This brutal practice, on which Sir F. Palgrave has something to say (iv. 648), went on long after Henry's time. It seems to be alluded to in the prophecy of Merlin (Ord. Vit. 887 D); "Pedes latrantium truncabuntur. Pacem habebunt feræ, humanitas supplicium dolebit."

[4] This comes out most strongly in Henry of Huntingdon (221 *b*) after Henry's death. Stephen swears that he will not keep other men's woods in his hands, "sicut Rex Henricus fecerat, qui singulis annis implacitaverat eos

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we can perhaps see the explanation of the seeming praise which the Chronicler gives him in this matter. The number of men whom the royal monopoly of hunting delivered from the curse of a little Nimrod in every manor[1] would doubtless be greater than the number of those who were themselves wronged by the harshness of the laws which fenced in the King's own sport. In this, as in all things, we can give Henry the praise—and in some states of society it is no small praise—of putting one tyrant in the stead of many. Henry at least taught the highest and proudest of his nobles that there was a power in the land higher than their own. Where he reigned, rebellion and private war were not rights to be boasted of, but crimes against the law, which the law knew how to punish.[2] To a King who did this much might be forgiven. Men not only forgave him crimes and vices which touched but few of them; they forgave him the severity of an administration which now and then confounded the innocent with the guilty; they forgave him his frequent and heavy demands

He keeps the nobles in order.

Henry's faults held to be outweighed by his merits.

si vel venationem cepissent in silvis propriis, vel si eas ad necessitates suas exstirparent vel diminuerent." He adds, "Quod placiti nefandi genus adeo fuit exsecrabile ut si alicujus lucum quem habere pecuniam æstimarent a longe conspicerent, statim vastatum perhiberent, sive esset sive non, ut eum immerito redimerent." All this was doubtless unjust and harassing enough, but it must have fallen much more heavily on the great men than on the bulk of the people. William of Newburgh (i. 3) however says, "Feras quoque propter venationis delicias plus justo diligens, in publicis animadversionibus cervicidas ab homicidis parum discernebat." Wace (15633) gives some curious mocking speeches on Henry's love for the chase, which he puts into the mouth of the younger William of Warren by the corrupt name of "Li Quens de Waumeri."

[1] For this phrase I have to thank the optimist Blackstone—not often the historian's friend—in the famous passage where he denounces the "bastard slip know by the name of the Game Law," and adds, "the Forest laws established only one mighty hunter throughout the land, the Game laws have raised a little Nimrod in every manor." Commentaries, iv. ch. 33. s. 2.

[2] The unlawfulness of private war in England (see vol. ii. p. 235) and the rigour with which Henry put down breaches of the law of this kind is strongly marked by a passage in Orderic (805 C); "Ivonem [de Grente-

upon their purses; they forgave him the pursuit of a policy continental rather than English; they forgave him even a systematic preference for strangers in the disposal of high offices within his island kingdom. All this, and more also, might be forgiven to the King who did justice, the King who made his peace kept throughout his realm, the King in whose days "none man might misdo with other." CH. XXIII.

It is easy to see what must have been the effect of such a reign as this on the general course of our history. The rule of the Lion of Justice did, as I have already said, much to lessen the gap between the conquering and the conquered race within his kingdom. It did much to fuse together Normans and English, that is to say, in the long run to change Normans into Englishmen. But this was done, not so much by an occasional and ostentatious assumption of English manners and feelings, as by bringing all men, of whatever race and whatever rank, within the grasp of the royal authority. We shall see, in another Chapter, how this process worked in detail in those gradual and silent changes in our ancient constitution which the Norman Conquest in the end brought about. It is enough to say here that many of the later principles of government, many of the doctrines which most tend to exalt the kingly power, may be dated from the reign of Henry. The old law and constitution, those laws of Eadward which Henry restored, were never abolished; but, as they had been trodden under foot by the brute force of Rufus, so now they were undermined by the subtle policy of Henry. The change from Rufus to Henry was the change from the fierce impulses of a personal and capricious will to the despotism of a single man, but a despotism

Historical results of his reign.

Fusion of Normans and English.

Growth of the kingly power.

maisnilio] quoque, quia guerram in Anglia cœperat, et vicinorum rura suorum incendio combusserat, quod in illa regione crimen est inusitatum, nec sine gravi ultione fit expiatum, rigidus censor accusatum, nec purgatum, ingentis pecuniæ redditione oneravit, et plurimo angore tribulatum mœstificavit."

CH. XXIII. working according to acknowledged laws. In days when the old freedom could no longer be hoped for, such a despotism was a temporary blessing. The reign of law, in whatever shape, succeeded to the reign of brute force. Henry wore the crown of Rufus; but he used the powers of his crown to put down Robert of Belesme. The two races were brought together in subjection to a common master, to a master whose will was law in more senses of the proverb than one. This common subjection of Normans and English to the kingly power, when the kingly power alone represented law and right, did more than anything else to blend Normans and English into one nation. It paved the way for the day when that united nation should arise in its strength to assert the supremacy of the law, the sovereignty of the people, when the people had grown up in its renewed being, and when the law was once more, as of old, the maker and the master of the King.

Reign of law under Henry.

Its effect on the revival of the thirteenth century.

On the death of Rufus it was at once seen how vain was the attempt which had been made to settle the succession to the throne of England before it was vacant. The agreement by which the Crown was to pass to Robert went for nothing. With the general consent of all men of both races, and with the special good will of the English, the crown passed to the Ætheling Henry, the one English-born member of the royal house, the only one who was the son of a crowned King.[1] A momentary refusal to give up the royal treasury to Henry seems to have been the only sign that

Henry elected King at Winchester. August 3, 1100.

[1] Will. Gem. viii. 10. "Annuentibus cunctis Francis et Anglis . . diadema suscepit." Then follows the passage about his royal and English birth quoted in vol. iv. p. 791. So Orderic (782 D); "Hunc Angli optaverunt habere dominum, quem nobiliter in solio regni noverant genitum." So William of Newburgh, who at the beginning of the reign of Rufus (see above, p. 76) sympathized with the eldest-born, says now (i. 3) that Henry was "filiorum Willelmi Magni ordine nativitatis novissimus, sed prærogativa primus. Quippe aliis in ducatu patris natis, solus ipse ex eodem jam Rege est ortus."

the pretensions of Robert were remembered by a single man.[1] The ancient forms of an election were observed; as soon as Rufus was buried, "the Witan that there near at hand were his brother Henry to King chose."[2] Henry's first act was to show that one of the evil practices of the late reign was at once to come to an end. The churches of England were no longer to be kept without pastors. While still only King-elect, he exercised, as the Ætheling Eadgar had done,[3] one royal right by giving a Bishop to the city in which the gathering for his election was held. He bestowed the bishoprick of Winchester on William Giffard.[4] Four days after his brother's death, Henry was crowned at Westminster by Maurice Bishop of London, after he had sworn in the fullest terms to restore the good laws, and to do away with all the unright which had been done in the time of his brother.[5] On the same day he put forth the famous

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He appoints William Giffard to the see of Winchester.

His coronation at Westminster. August 5.

His oath;

His Charter.

[1] Orderic (783 C) tells the tale of the resistance of William of Breteuil, which reminds one of the story of Cæsar and Metellus. Henry is "genuinus hæres," "præsens hæres qui suum jus calumniabatur;" he draws his sword, "nec extraneum quemlibet per frivolam procrastinationem patris sceptrum præoccupare permisit." "Ordericus Angligena" clearly sympathized with his countryman. Wace has (15245) a more singular story, according to which the crown was forced upon Henry against his will. The Bishops and Barons come together, seize upon Henry, and crown him;

"Henris pristrent, cil coronerent,
Tote la terre li livrerent."

They cannot wait for Robert, and they cannot do without a King, so

"Henris s'en fist assez préier,
Ainz k'il le voulsist otréier;
Son frère, ço dist atendreit,
Ki de Jerusalem vendreit;
"Mais li Baron tant le prierent,
Plusors tant le cunseillierent,
Ke il fist ço ke il li distrent
Et otreia ço ke il quistrent."

[2] Chron. Petrib. 1100. "Syðþan he bebyrged wæs, þa witan þe þa neh handa wæron his broðer Heanrig to cynge gecuran." So Hen. Hunt. 216 *b*; "Ibidem [apud Wincester] in regem electus."

[3] See vol. iii. p. 530.

[4] Chron. Petrib. 1100; Hen. Hunt. 216 *b*.

[5] Chron. Petrib. ib. "Toforan þam weofode on Westmynstre, Gode and eallan folce behet ealle þa unriht to aleggenne þe on his broðer timan wæran, and þa betstan lage to healdene þe on æniges cynges dæge toforan him stodan."

CH. XXIII. charter which was the immediate parent of the Great Charter itself. Its general object was to undo the special wrong-doings of the last reign, and to bring things back to the state in which they had been during the reign of law under the Confessor and the Conqueror. King Henry gave back to his people the laws of King Eadward as amended by King William. On one point alone he was obstinate; he gave out from the beginning that he would keep the forests in his own hands.[1] All his other acts were popular. As soon as the men of his kingdom had bowed to him and sworn oaths and become his men,[2] he began his work of reform. By the advice of his Witan, the King punished the chief minister of his brother's unright and unlaw and restored their chief victim. Bishop Randolf of Durham, the dregs of wickedness, was sent to the Tower, the first man recorded to have dwelled as a prisoner in the Conqueror's fortress.[3] Anselm was sent for from Lyons.[4] And, yet further to win the love of the native English, he took a wife who by the spindle-side came of the old kingly line. He had long loved, so we are told, Eadgyth the daughter of King Malcolm and the

He keeps the forests in his hands.

General homage done to him.

He imprisons Randolf Flambard

and recalls Anselm.

He marries Eadgyth of Scotland. November 11.

[1] I shall speak more of Henry's Charter elsewhere; its main provisions are summed up by Florence; "Legem Regis Eadwardi omnibus in commune reddidit, cum illis emendationibus quibus pater suus illam emendavit [see vol. iv. p. 324], sed forestas quas ille constituit et habuit, in manu sua retinuit." Henry's French admirer Suger (c. 15) brings this out strongly; "Rex Henricus Guillelmo fratri feliciter succedens, cum consilio peritorum et proborum virorum regnum Angliæ regno antiquorum Regum gratanter disposuisset, ipsasque regni antiquas consuetudines ad captandam eorum benevolentiam jurejurando firmaret."

[2] Chron. Petrib. 1100. "Him ealle on þeosan lande to abugan and aðas sworan and his men wurdon." This is according to the law of 1086. See vol. iv. p. 695.

[3] The Chronicler distinctly marks that the imprisonment of Randolf Flambard was done "be þære ræde þe him abutan wæran." For the phrase "Rannulfus nequitiarum fæx" I have to thank William of Malmesbury, v. 393.

[4] The Chronicler again marks that the embassy to Anselm was sent "be his witena ræde."

good Queen Margaret, who lived in England with her aunt Christina, the Abbess of Romsey.[1] Objections indeed were made to the marriage on the ground that Eadgyth had not only been an inhabitant of her aunt's monastery, but had herself actually taken the vows. On the return of Anselm the case was fully heard; the objections were judged to be null,[2] and the Primate, who declared the daughter of Malcolm free to marry, presently officiated at the marriage and at the coronation of the Queen.[3] To please Norman ears, Eadgyth had, most likely at the rite of her crowning, to change her English name for the continental Matilda, just as, to please English ears, Emma had once had to change her continental name for English Ælfgifu.[4] England had now once more a King

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Her name changed to Matilda.

[1] On Christina, see vol. iv. p. 697.

[2] The canonical objections to the marriage, the statement made by Eadgyth, and the decision of Anselm that the marriage was lawful, are described at length by Eadmer in the beginning of his third book. His decision was grounded on the decision of Lanfranc in cases of the like kind; see vol. iv. p. 566. A foreign writer, Hermann of Tournay, quoted by Migne in his edition of Eadmer, tells another and less credible story of the way in which an Abbess, seemingly not Christina, shielded Eadgyth from the violence of Rufus. The story is worth reading, as it gives us a glimpse of the Red King in quite a new character. The Abbess asks him to step into her flower garden and look at her roses.

[3] The marriage is recorded by all our authorities. Florence marks that the King "majores natu Angliæ congregavit Lundoniæ" for the purpose of the marriage; and an incidental notice of Eadmer (Hist. Nov. 585) lets us see that this gathering still kept up at least a survival of the popular character of our ancient assemblies; "Pater ipse [Anselmus] totam regni nobilitatem populumque minorem pro hoc ipso circumfluentem necnè pro foribus ecclesiæ Regem et illam circumvallantem sublimius cæteris stans in commune edocuit." The Chronicler does not omit to notice that the new Queen was "of þan rihtan Æneglalandes kyne kynne." The former love of Henry for Eadgyth is mentioned by Eadmer, by Orderic, 784 A, William of Malmesbury, v. 393; and one phrase of Eadmer ("dum *eos* a cupitis amplexibus retardaret") might seem to show that the passion was a mutual one. The story of Matthew Paris (Hist. Ang. i. 189), according to which "beata virgo Matilda" had the strongest distaste for the marriage, sounds like a romance of the convent.

[4] See vol. i. p. 334. The fact that Matilda had formerly borne the name of Eadgyth comes from Orderic, 702 A, 843 B.

CH. XXIII. born on her own soil, a Queen of the blood of the hero Eadmund, a King and Queen whose children would trace to Ælfred by two descents. Norman insolence mocked at the English King and his English Lady under the English names of Godric and Godgifu.[1]

Mockery of the Norman courtiers.

The spirit which prompted this mockery soon showed itself in a more dangerous shape. The events of the beginning of Henry's reign read strangely like the events of the beginning of the reign of Rufus over again. Henry, like his brother, was to have his experience of English loyalty and of Norman treason. It is significantly noticed that the crowning of Henry was accompanied by the special applause of the commons.[2] We presently hear how the head men of the land[3] conspired a second time to get rid of a King who relied mainly on native English support, and whose title to the Crown was more intelligible to English than to Norman minds. The object of the conspiracy was the same as the conspiracy in the days of Rufus. Robert had now come back from the Holy Land, and those who dreaded the stern justice of Henry sought again to transfer the Crown to him. But this time there was hardly anything that could be called open war. Whatever was the feeling of the Norman nobles, the English people stuck faithfully to the King born in their own land. It is significantly said that they knew nothing of the rights of Robert.[4] His

The early days of Henry repeat those of Rufus.

Conspiracy in favour of Robert. 1101.

Loyalty of the English.

[1] Will. Malms. v. 394. "Omnes . . . palam contumeliis dominum inurere, Godricum eum et comparem Godgivam appellantes."

[2] Ib. 393. "Certatim plausu plebeio concrepante, in Regem coronatus est."

[3] Chron. Petrib. 1101. "Sona þæræfter wurdon þa heafodmen her on lande wiðerræden togeanes þam cynge." The Chronicler does not, as in 1088, say that they were Frenchmen, though they doubtless were. (See Appendix W.) Cf. Will. Malms. v. 594; Hen. Hunt. 216 b; Ord. Vit. 786 B; Will. Gem. viii. 12.

[4] The loyalty of the English is especially asserted by Florence, 1101; William of Malmesbury, v. 395; Orderic, 786 B, 787 B; in which latter place his words are, "Omnes quoque Angli, alterius principis jura nescientes, in sui Regis fidelitate perstiterunt, pro qua certamen inire satis optaverunt."

claim could rest only on a doctrine of primogeniture which was unknown to English law, and on an agreement with the late King by which the rights of the nation were bartered away. The mercenary soldiers too, of whatever race, clave to King Henry.[1] He was likely to be a far more regular paymaster than the spendthrift Robert. The Bishops were faithful to the King whom they had just hallowed. The zeal of the holy Anselm even went so far that he appeared at the head of the men of his lands,[2] ready to play the part of Leofric and Ælfwig against the new Norman invader.[3] Both the elements of military strength, the *fyrd* and the *here*, together with the power of the Church, were arrayed on Henry's side. Against such an union the Norman Duke and a handful of Norman nobles had no chance. The King's forces waited for a third landing at Pevensey, but Robert, having won over some part of the English fleet, landed at Portsmouth.[4] No battle however followed. According to one account,[5] Robert now showed one of his occasional acts of generosity by declining to attack the city of Winchester, where his sister-in-law

CH. XXIII.

Zeal of Anselm and the other Bishops.

Robert lands at Portsmouth. August 31, 1101.

Cf. Will. Gem. viii. 12. On the version of these events in Matthew Paris and Thierry, see Appendix Y.

[1] The "milites gregarii" are mentioned by Florence along with the Bishops and the English.

[2] Both William of Malmesbury and Orderic witness to the zeal of Anselm in the King's cause, but it is from his own biographer (59) that we learn the curious fact of his personal presence with the army; "Circa Regem fideliter cum suis in expeditione excubabat pater Anselmus."

[3] See vol. iii. p. 426.

[4] The treason of some of the "Butsecarli" is mentioned by the Chronicler and by Henry of Huntingdon. Florence adds that Robert won them over "consilio Rannulfi episcopi," which seems odd, as Flambard was then in the Tower.

[5] Wace, 15452. "Passa mer, vint a Porecestre,
D'iloc ala prendre Wincestre;
Maiz l'en li dist ke la Réine
Sa serorge esteit en gésine,
Et il dist ke vilain sereit,
Ki dame en gésine assaldreit."

CH. XXIII. and god-child, Queen Matilda, was tarrying after the birth of her first child. This kind of thoughtfulness for a single person of exalted rank is quite in the spirit of chivalry; a more reasonable spirit might, before undertaking a war of personal aggression, have stopped to think whether the prize was worth the harm which was sure to light on many innocent persons of all ranks. But presently, by the advice of the great men on both sides, among whom Anselm and Robert of Meulan are specially mentioned,[1] the brothers came to an agreement. Robert gave up his claims on the Crown, he acknowledged his brother's royal dignity, and released him from the tie of personal homage, contracted doubtless when Henry first received his fief of the Côtentin. That fief, and his other continental possessions, save only his faithful and cherished Domfront, Henry now gave up to Robert. Robert was further to have a pension of three thousand marks yearly, and, as in the old agreement between Robert and Rufus, if either brother died without lawful heirs, the surviving brother was to succeed to his dominions.[2]

Treaty between Henry and Robert.

Last open struggle between Normans and English.

The campaign of Rochester, in the second year of Rufus, was the last year in which Englishmen and Normans, as Englishmen and Normans, met in arms on English soil. The campaign of Portsmouth, if campaign it can be called, in the second year of Henry was the last time when, though Englishmen and Normans did not actually meet in battle on English soil, they at least stood in arms face to face. England had won herself a King; and under that King her forces were soon to go forth to the conquest of

[1] Eadmer (Hist. Nov. 49) is emphatic on the services of Anselm at this time, and he goes so far as to say, "si post gratiam Dei fidelitas et industria non intercessisset Anselmi, Henricus Rex ea tempestate perdidisset jus Anglici regni." William of Malmesbury (v. 395) and Orderic (787 C) tell us of Robert of Meulan.

[2] The terms of the treaty, as before (see above, p. 87), come out most fully in the Chronicle. The Continuator of William of Jumièges (viii. 12) raises the money to 4000 marks.

Normandy. But before he could stretch forth his hands to conquests beyond sea, Henry had to get firm possession of his kingdom at home. Various traitors and enemies had to be got rid of, not suddenly, we are told, but one by one, and that as King Henry knew how to get rid of men, either by process of law[1] or, in case of open rebellion, by force of arms. In short, the men who were powerful and dangerous, the great Earls and chiefs whose names stand foremost in Domesday, were to make way for a new race of men who owed their greatness to the King himself.[2] Foremost among the rebels was the fierce Robert of Belesme, who again openly waged war against his sovereign. But it was in vain that he built himself castles and made a league, like his predecessor Eadwine,[3] with his British neighbours. The cruel son of Roger and Mabel learned the truth that in England no one man could stand against the King;[4] his castles were taken, his Welsh allies were bribed to disperse, and the Earl himself had to leave his English possessions and to content himself with what he held in Normandy and France.[5] The fall of another noble of almost equal power followed before long. William of Cornwall and Mortain, who had

CH. XXIII.

Henry establishes his power in England.

Revolt and banishment of Robert of Belesme. 1102.

Banishment and

[1] This comes out in the opening of Orderic's eleventh book (804 B, C). He mentions the familiar names of Robert Malet and Ivo of Grantmesnil, and adds, "ad judicium summonuit, nec simul sed separatim, variisque temporibus et multimodis violatæ fidei reatibus implacitavit." Fine, confiscation, banishment, are the penalties.

[2] See above, p. 158.

[3] See vol. ii. p. 490; iv. p. 182.

[4] See Will. Malms. iv. 306.

[5] The war with Robert of Belesme is recorded in the Chronicle, 1102 (the mention of the Welshmen comes from Florence), Will. Malms. v. 396, more briefly in Henry of Huntingdon, 217, and fullest of all in the Shropshire man Orderic, 806–808. He gives us the names of the Welsh princes, Cadwgan and Gruffydd, sons of Rhys. The English followers of the King come out strongly in his narrative, but I think I discern an English Wulfgar in "Ulgerius venator," a captain of mercenaries under Robert of Belesme. Robert of Belesme appears again as a visitor in England in the winter of 1105–1106.

CH. XXIII. further succeeded his uncle Odo in the earldom of Kent, was driven out by a judicial sentence.[1] These men indeed went to swell the strength of resistance against Henry in Normandy; but the meshes of Henry's craft were steadily drawing closer round the eldest-born of the Conqueror. Duke Robert paid more than one visit to England, in one of which he found it convenient to give up his pension, under the guise of making a present of it to the Queen.[2] But the wealth of Henry, and the wretched misgovernment, or rather no-government, of Robert, stirred up enemies against him throughout his duchy.[3] Two campaigns, separated by one of Robert's fruitless visits to England, brought Normandy into the hands of Henry. Beneath the walls of Count William's castle of Tinchebrai the fate of Normandy was decided. Robert of Belesme escaped by flight for a season; a crowd of names even prouder than his, Count William the lord of the castle, the Ætheling Eadgar, Duke Robert himself, became the prisoners of Henry. William of Mortain, the nephew of the Conqueror, whose father's castle had risen within the walls of Anderida, spent the rest of his days in bonds, some said in blindness.[4] Eadgar had but lately left the King again to attach himself to his former friend and

confiscation of William of Mortain. 1104.

Henry's design on Normandy.

His Norman campaigns. 1105-1106.

Battle of Tinchebrai. September 28, 1106.

Eadgar taken and released.

[1] See the Chronicle and Florence, 1104, and more fully in William of Malmesbury, v. 397.

[2] Chron. Petrib. and Flor. Wig. 1103. The mention of the Queen comes from Orderic, 805 A; Will. Malms. iv. 389; v. 395. The story is told at great length by Wace (15688 et seq.). The calm wisdom of Robert of Meulan plays a chief part in the story.

[3] Will. Malms. v. 398. But the most graphic accounts come from Orderic (786 B), though they are put somewhat earlier. William of Newburgh goes so far as to say (i. 3), "Invitatus a majoribus ejusdem provinciæ Rex Henricus civili magis animo quam hostili affuit." The fullest account of the war is that given by Wace (15950 et seq.), who naturally enlarges in a special way on the fate of his own city of Bayeux, but he mixes different campaigns together. See Pluquet's note, ii. 204.

[4] The captivity of William of Mortain is mentioned by all our authorities. On his alleged blinding, see Appendix X.

fellow-crusader.[1] He now, after so many ups and downs of life, was again spared, again left to spend the rest of his long life in harmless obscurity.[2] Robert himself, who had refused the crown of Jerusalem[3] and had twice failed of the crown of England, lived on till the year before the end of the long reign of his brother. For twenty-eight years he was a prisoner, moved from castle to castle at his brother's will, but still treated, so at least his brother professed, with all the deference and courtesy which his rank and his misfortunes might claim.[4] CH. XXIII.

Imprisonment of Robert. 1106–1134.

The native Chronicler sends up his wail at the sorrows which England had to bear through the money wrung from her people to pay the cost of the conquest of Normandy.[5] Yet we can hardly doubt that English national feeling found a subject for rejoicing in the event of the day of Tinchebrai. That fight was more worthy of the name of a pitched battle than any fight that England or Normandy had seen since the great days of Stamfordbridge and Senlac. And men might deem that at Tinchebrai the *wergild* of the men who died at Senlac began to be paid back. Englishmen had twice beaten back the Norman from their own shores; they had now overthrown the Norman on his own soil. A King of the English, raised to his throne by the voice of the English people, a King who won his victory fighting on foot like an Englishman at the head of Englishmen,[6] had made Normandy his own by force of arms, and had brought back the Duke of the Normans a prisoner to his own island. An historian

Exaction of money for the war.

Tinchebrai an English victory.

[1] Chron. Petrib. 1106.

[2] See William of Malmesbury, iii. 251. Eadgar was clearly alive when he wrote.

[3] Will. Malms. iv. 389, where see Sir T. D. Hardy's note.

[4] See Appendix Z.

[5] See under the years 1104, 1105.

[6] This clear case of an influence of English practice on Norman military tactics is marked by Orderic, 821 A; "Rex Anglos et Normannos secum

CH. XXIII. who shared the blood of both nations[1] dwells on the fact that forty years, even to the self-same day, after the Normans had set forth at Pevensey for the conquest of England, Normandy itself became a land subject to England.[2] So in a sense it was. Things were not yet as they were to be in the days of the Angevins, when Normandy and England alike seemed merged in the vast dominion which stretched from the Orkneys to the Pyrenees. England was the kingdom, and Normandy was the province. It was a province won in open war by a King of the English, at the head of men, many of whom were doubtless English by blood and all of whom were English by allegiance. King Henry, like his namesake three hundred years later, came back as a conqueror to England, to spend some years in enforcing the peace of his kingdom, in settling ecclesiastical disputes, and, after a season, to win the good will of England and of mankind by sending Robert of Belesme to a life-long dungeon.

Normandy conquered by England.

Imprisonment of Robert of Belesme. 1112.

As things stood between the two brothers, Normandy could hardly have failed to fall sooner or later to the lot of the stronger of the two. And great, we cannot doubt, was the immediate gain to the conquered country, through the change from the no-rule of Robert to the strict and

Immediate gain to Normandy of Henry's conquest.

pedites detinuit." But from Henry of Huntingdon (217), who gives the Old-English reason (see vol. i. p. 299; iii. p. 472), it would seem that Robert also adopted the same tactics; "Rex et dux et acies cæteræ pedites erant ut constantius pugnarent." The horse on Henry's side were the Bretons and the men of Maine under Helias.

[1] William of Malmesbury says of himself in his preface to the third book, "Ego utriusque gentis sanguinem traho."

[2] Will. Malms. v. 398. "Idem dies ante quadraginta circiter annos fuerat, cum Willelmus Hastingas primus appulit; provido forsitan Dei judicio ut eo die subderetur Angliæ Normanni, quo ad eam subjugandam olim venerat Normannorum copia." So William of Newburgh (i. 3); "Henricus regno Angliæ socians ducatum Normanniæ, sicut pater olim ducatui Normanniæ regnum sociaverat Angliæ, nomen celebre et grande adeptus est, juxta nomen magnorum qui sunt in terra."

watchful police of Henry.[1] But the reunion of England and Normandy under a single sovereign was by no means a source of unmixed good to either country. For England, after the rebellion of Robert of Belesme had been put down, the reign of Henry, as far as peace at home and abroad were concerned, was more than a return to the days of the peaceful Eadgar. Within his island realm the life of King Henry and the security of his government were threatened but once, and that only by a conspiracy formed by a traitor among his own servants.[2] Scotland was friendly; it was only on the side of Wales that wars or rumours of wars were heard of. But in Normandy things were in a very different case. Whether Henry preferred England to Normandy or not, it is certain that the affairs of his duchy often called for his presence, and thus led to long absences from his kingdom. Through a long part of his reign, he had dangerous enemies both within Normandy and on its borders. Robert, in the course of his return from the East, had married Sibyl of Conversana in the Norman lands of Italy, a woman who is described as far fitter to rule his duchy than he was himself.[3] Her early death left him

CH. XXIII.

Peace of Henry's English reign.

One conspiracy against him.

Constant warfare in Normandy.

Robert's son William.

[1] The restoration of good order in Normandy is strongly set forth by Orderic, 821 D. In the usual formula, he restored the laws of William the Conqueror; "paternas leges renovavit." Suger (c. 15) sets forth the vigour of Henry's Norman government very strongly, but adds that he was "fretus domini Regis Francorum auxilio." So William of Malmesbury (v. 405) speaks of Lewis as an ally of Henry in the conquest of Normandy; "corruptus videlicet Anglorum spoliis et multo regis obryzo."

[2] This story is told by William of Malmesbury, v. 411. He speaks of the traitor as "quidam cubicularius, plebeii generis patre, sed pro regiorum thesaurorum custodia famosi nominis homine, natus." One wishes to know the names of these men, seemingly court officers; but all that we can get is an initial in Suger (c. 21), where the criminal appears as "H. nomine, familiarium intimus, Regis liberalitate ditatus, potens et famosus, famosior proditor." Suger goes on to mention his punishment, the usual one of mutilation, with the comment, "quum laqueum suffocantem meruisset, misericorditer est damnatus." He speaks also of Henry's fears in the same style in which those of Cromwell are commonly spoken of.

[3] On the marriage of Robert and Sibyl see Orderic, 780 A, 784 B, and

CH. XXIII. with a young son William, whose claims to Normandy, if not to England[1]—though within England they clearly were never heard of—were zealously asserted by a strong party in Normandy, and were found a convenient handle by the jealous over-lord of the duchy. Constant wars, both with rebellious Normans and with the King of the French, fill up a large space in the annals of Henry's reign. They are wars moreover in which, as at Tinchebrai, engagements which have some right to be called pitched battles do something to diversify the wearisome record of endless petty sieges and skirmishes. Thus the rivalry between France and England which began under Rufus went on under Henry. And, thus early in the strife, Henry turned to the natural ally of England in such a struggle, to the ally with whom in after days we shared in defeat at Bouvines and in victory at Waterloo. Close alliance with Germany, the old policy of England, the policy of Æthelstan, Cnut, and Harold, was no less the policy of the first King of the stranger dynasty who had the least claim to be looked on as an Englishman.

Wars with France.

Alliance with the Empire.

In his dealings with France, both in peace and in war, Henry had to deal with a far abler and more active rival than his brother had ever had to deal with, or than his father had had in his later years. The accession of Lewis the son of Philip the First, whom we have already heard of in the wars of Rufus,[2] marks an epoch in the history of the French monarchy. The new

Accession of Lewis the Fat in France. 1109.

her death in 810 A, which is differently told by William of Malmesbury, iv. 389. See her panegyric in the Continuator of William of Jumièges, viii. 14.

[1] He is several times called "Clito" by Orderic (838 B). "Clito" is of course equivalent to Ætheling; but Orderic seems to make a distinction between the "Clito," son of Robert, and the "Adelinus," son of Henry. He also once at least applies the name "Clito" to a son of the King of the French.

[2] See above, p. 101. He appears in the Chronicle as "Loðewis." Orderic gives him, as he does several other princes, a double name, "Ludovicus Tedbaldus;" but in his Life by Suger he is simply "Ludovicus."

King betook himself actively to establishing the kingly authority within the small part of his nominal kingdom which formed the actual domain of his Crown.[1] And, as a balance to the power of the turbulent nobles which he was seeking to overthrow, he was glad to encourage the rising spirit of freedom, and to give the royal sanction to the formation of *communes* which supplied him with a civic militia in his wars. The seed which had been sown at Le Mans a generation earlier[2] was now bearing fruit in France and other parts of Gaul; and the Bishops, no less than the King, found it their interest to encourage the new spirit.[3] In France, in short, just as in England at the moment of Robert's landing, the King, the Church, and the people were leagued together against an oppressive nobility. But from this point, the course of the two countries parted off in different ways. In France, the Kings used the people against the nobles as long as it suited their purpose, and in the end brought nobles, people, and clergy into one common bondage. In England, the growth of a despotic power in the Crown was checked by the union of nobles, clergy, and people in a cause common to them all. This strengthening of the power of the French King within his own dominions was naturally accompanied by increased vigour in the relations of the

CH. XXIII.

Character of his reign.

His wars with the nobles and encouragement of the *communes*.

Effects of the reign of Lewis on French history.

[1] All the earlier chapters of his Life by Suger are mainly taken up with describing his exploits against various refractory nobles, especially the oppressors of the churches. Orderic too (836 A, B) enlarges on the vigour of Lewis against the "tyrannis prædonum et seditiosorum." He began while his father was alive. A specimen of the kind of men with whom he had to deal is described at length by Suger, c. 21. Cf. the account of the same man in Henry of Huntingdon, De Contemptu Mundi, Ang. Sac. ii. 698.

[2] See vol. iv. p. 549.

[3] Orderic (836 B), just after the passage last quoted, goes on, "Auxilium totam per Galliam deposcere coactus est episcoporum. Tunc ergo communitas in Francia popularis statuta est a præsulibus, ut presbyteri comitarentur Regi ad obsidionem vel pugnam cum vexillis et parochianis omnibus." So Suger (c. 18), describing one of Lewis's campaigns, says incidentally, "cum communitates patriæ parochiarum adessent."

CH. XXIII. Crown to the princes who owed it a nominal homage. The reign of Lewis the Fat may be set down as the beginning of that gradual growth of the Parisian monarchy which in the end swallowed up all the states which owed it homage,[1] besides so large a part of the German and Burgundian kingdoms.

Wars between Henry and Lewis.

With such a power growing up on his continental frontier, it was hardly possible that Henry, in his character of master, if not formally Duke,[2] of Normandy, should fail to come into collision.[3] The two Kings had once been personal friends. Lewis had sought shelter in England when his step-mother was plotting against him; he had been received with the highest honours, and, it would almost seem, had become the man of the English King.[4] But such ties counted for little when Lewis sat on the throne of his father, and when Normandy was in the hands of Henry. A dispute about the border fortress of Gisors, and the enmity between King Lewis and Theobald of Chartres, the nephew of Henry, the son of his renowned sister Adela,[5] led to two years of war early in the reign of Lewis.[6] The war is told us in some detail, and we read of a characteristic refusal of the English

First war of Gisors. 1111–1113.

[1] Of course with the exceptions made in vol. i. p. 173.

[2] Lappenberg (300) remarks that Henry did not take the title of Duke of the Normans during his brother's lifetime. It is however given to him by others, as by Suger, c. 21.

[3] William of Malmesbury (v. 404) remarks that there was no strife between Philip and Henry, because Henry's small possessions in Normandy marched rather on Britanny than on France.

[4] See Ord. Vit. 812 D; Sim. Dun. 1101.

[5] See vol. iv. p. 652.

[6] The Chronicler, after recording the succession of Lewis in 1108, adds, "and wurdon syððon manege gewinn betwux þam cynge of France and þam of Englelande, þa hwile þe he on Normandig wunode." But the war itself does not begin till 1111, when Henry is recorded as going beyond sea, "for unsehte þe wiþ him hæfdon sume be þam gemæran of France." The history of this war in Suger, who alone mentions the quarrel about Gisors, begins in c. 15. The account in Orderic, 836–842, is rather confused in its chronology.

King to jeopard political and military advantages by the chivalrous folly of meeting his rival in single combat on a dangerous bridge.[1] It is more remarkable to find the Counts of Flanders arrayed throughout these wars as the allies of France and the enemies of England. The Conqueror and Robert the Frisian had indeed been constant enemies;[2] but with Robert of Jerusalem, the son of the Frisian, Henry had, early in his reign, concluded two treaties of strict alliance.[3] Little actually came of these treaties; but they are highly important in the history of the diplomatic art, and they illustrate the feudal notions of the time. In them, for the first time, England appears as granting subsidies to a foreign power in exchange for help in time of war. But in those days a subsidy took the form of a feudal grant. Count Robert took King Henry's money; but he took it in fee, and he was to do military service in return. He thus became in some sort the man of his pay-master; but he was already the man of two other lords, one of them the very prince against whom he was most likely to be called to act. The Count of Flanders was a vassal both of the Emperor and of the King of the French, and in his new engagements he takes care to reserve his allegiance to both his earlier lords. The worst case of all, the case of the King of the French calling on his Flemish vassal to join in an invasion of England, is specially provided for. If this should happen, the Count of Flanders is not to refuse to perform his feudal duty; but he is to take care that its performance shall do as little harm as possible to his new ally, provided always that he is not himself to run any risk of forfeiting the fiefs which

CH. XXIII.

Enmity of the Counts of Flanders.

Treaties between Henry and Robert of Flanders. 1103. 1108–1111.

Light thrown by them on feudal ideas.

[1] This story is told at large by Suger. He does not scruple to say (c. 15), "quod Rex Ludovicus, tam levitate ["avec un cœur leger"] quam audacia appetebat."

[2] See vol. iv. pp. 538, 687.

[3] See Appendix AA.

CH. XXIII. he holds of the French Crown. We could not wish for a better illustration of the strange complications which arose out of the reckless way in which men in those days bound themselves by three or four inconsistent engagements at once.[1] But, before the French war actually broke out, all this had changed. Quarrels had arisen between Henry and Robert, and now the force of Flanders was ranged on the side of France, and two successive Counts lost their lives in the war with England. Robert himself was killed in this first stage of the struggle.[2] He was succeeded by his son Baldwin, who followed the same policy. Maine too, after the death of Helias, furnished another ground of dispute between Henry and Fulk of Anjou.[3] Helias had been the firm friend of Henry, and had had a large share in his victory at Tinchebrai. But, now that his rights had passed to the Angevin house,[4] Maine had become a land hostile to Normandy and England. And Fulk soon found means to stir up another adversary against Henry. Duke Robert's young son, William, Clito at least, if not Ætheling, had been, after the victory of Tinchebrai, put by his victorious uncle under the care of his brother-in-law Helias of Saint Saen. As if faith and valour were inherent in the prophetic name, Helias showed the same zeal for the son which he had before shown for the father.[5] He led his young charge through all lands, hoping to find some among the princes of Gaul who would take up the cause of the disinherited and worse than orphan child. But his hopes were presently brought for a while to an end by a general peace. A

Death of Robert of Flanders. 1111.

Quarrel with Fulk of Anjou about Maine.

Adventures of Robert's son William.

[1] See vol. iii. p. 249.

[2] His death is recorded by the Chronicler, 1111; Orderic, 837 C.

[3] The Chronicler (1111) makes the affair of Maine the chief ground of Henry's warfare in France; "swiðost for þam eorle of Angeow þe þa Mannie togeanes him heold."

[4] See above, p. 106.

[5] See above, p. 84.

CH. XXIII.

Peace of Gisors. 1113.

Advantages reaped by Henry.

treaty was concluded at Gisors, on terms highly favourable to Henry, terms which seemed to go so far as to forestall the more famous treaty of Bretigny, and to make the lord of England and Normandy an absolutely independent power on the mainland.[1] The Breton Count Alan Fergant had already done homage to Henry, who gave his natural daughter Matilda in marriage to Alan's son Conan.[2] Fulk of Anjou also did homage to Henry for Maine, and he betrothed his daughter Matilda to Henry's son the Ætheling William, to whom, either now or at the time of the actual marriage, he granted as his daughter's dower the county for which he had himself just become the man of his son-in-law's father.[3] These arrangements were confirmed by the over-lord King Lewis in terms which might seem to imply that he parted with all his rights over the lands which thus came under Henry's superiority. Lewis also ceded to Henry the border-land of Belesme.[4] The lord of that border-land was already a prisoner. It would seem that, even after his overthrow at Tinchebrai, he had been again reconciled to Henry, that he had again offended him by disobedience and treason of various kinds, and that he had at last fallen into the hands of the King whom he had so deeply wronged. The circumstances of his arrest are not very clear; according to a version which is put into the mouth of Lewis himself, Robert had taken shelter with the King of the French, he had been sent by him as an ambassador to his other lord, and

Imprisonment of Robert of Belesme. 1112.

[1] It will be remembered that by the Bretigny treaty Edward the Third on the one hand gave up his claim to the Crown of France, and on the other was freed from all homage for Aquitaine and the other continental dominions which he held. The terms of the peace of Gisors are given most at length by Orderic, 841, 842.

[2] Ord. Vit. 841 D. "Homo Regis Anglorum jam factus fuerat." Cf. Will. Gem. viii. 29.

[3] Ord. Vit. 841 B. Cf. Will. Malms. v. 419, and Gesta Consulum, D'Achery, iii. 264, in both of which places the grant of Maine to young William is spoken of.

[4] Ord. Vit. 841 D.

CH. XXIII. the law of nations had not been found strong enough to protect him against the justice or the vengeance of Henry.[1] At all events, in the year before the peace, the career of the cruel son of the cruel Mabel was brought to an end. The common enemy of mankind was brought from Normandy to safer keeping in England, and was, to the delight of all men, thrown into the bonds from which he was never to be freed.[2]

Henry's alliance with Germany.

Four years of peace now followed, during which Henry strove to strengthen himself against the time when war should break out again by forming a close alliance with the reigning Emperor. About the time of the beginning of the war, Henry had betrothed his daughter, then a mere child, to King Henry of Germany. She was at once sent to her new home, and in the space between the first and second wars she was solemnly married and crowned at Mainz.[3] Her husband was now Emperor. It was the first time that a woman of English birth had been the bride of Cæsar; for Eadgyth and Gunhild in former

Adeliza or Matilda betrothed to Henry the Fifth. 1110.

Her marriage and coronation. January 7, 1114.

[1] The imprisonment of Robert of Belesme in 1112 is recorded by all our authorities. William of Malmesbury (v. 398) and Orderic (841 A, 858 D) give details, but Orderic has two versions which it is not very easy to reconcile with one another.

[2] It was never known when he died. See Hen. Hunt. De Contemptu Mundi, Angl. Sacr. ii. 698.

[3] Cf. Orderic, 838 B, and the Continuator of William of Jumièges, viii. 11, with the more accurate date in Florence, 1110. Cf. Chron. Petrib. 1113. For the marriage see Otto of Freising, vii. 15, and especially Ekkehard (Pertz, vi. 247), who dwells on the vast numbers of great men who were assembled at the marriage, and says of Matilda, "Erat progenita ex utraque parte ex longa linea magnificæ nobilitatis et regalis prosapiæ, in cujus loquela et opere resplendebat specimen futuræ bonitatis abunde, adeo ut omnibus optaretur Romani imperii heredis mater fore." It is recorded in good Nether-Dutch in the Lüneburg Chronicle (Pertz, xvi. 76); "Keiser Heinric bot do enen hof to Megenze, dar nam he to wive des koninges dochter van Englelant de was geheten Mechtild, dar makede he se to keiserinne." At this point (1109, 1110) the Chronicler calls Henry simply "se casere." Later, in 1126 and 1127 (as before in 1106), he appears by the stranger descriptions of "se kasere Heanri of Loherenge" (cf. vol. i. p. 601, ed. 2), and "se casere of Sexlande."

times both died before their husbands reached the Imperial dignity. But, as in all these cases, no English Queen or Empress was fated to be the mother of an Emperor; the one Emperor who was the son of an English mother, Otto the son of Henry the Second's daughter Matilda, was not the son of an Imperial father. The real name of the new Empress seems to have been one of the names sprung from the old *æðel* root;[1] but she must, like her mother, have changed her name at her marriage. She is known in history by the name of Matilda, a name venerable in German as well as in Norman ears, as being the name of the renowned mother of Otto the Great.[2] The marriage was, according to the new feudal ideas, made the excuse for a heavy exaction of money, an *aid*, as the feudal lawyers call it, of which the native Chronicler bitterly complains.[3] The closest alliance followed between the English King and his Imperial namesake and son-in-law. It is even hinted that Henry of Germany took Henry of England as his model of government, and that he specially sought to imitate him in the success with which he contrived to wring money out of his people.[4] Henry the Fifth held the Imperial power high in his Italian realm; but in Germany he had, like other Kings, to strive against rebels, and, in the very year which followed his marriage, he suffered a defeat at the hands of the revolted Saxons.[5] He may well have envied the perfect

CH. XXIII.

Change of her name.

Exaction of an aid for the marriage.

Influence of Henry of England on Henry of Germany.

[1] Her name is not mentioned by the Chronicler at the time of her marriage, but she appears as "Æðelic" in 1127. By John of Hexham she is called "Aaliz" in 1139 (X Scriptt. 266), and "Adela" in 1142 (X Scriptt. 269).

[2] See vol. ii. p. 293.

[3] Chron. Petrib. 1110. "Dis wæs swiðe gedeorfsum gear her on lande, þurh gyld þe se cyng nam for his dohter gyfte."

[4] Otto of Freising, just before the death of Henry in 1125, has the very curious entry (vii. 16), "Omnibus bene compositis, consilio generi sui Regis Anglorum, totum regnum vectigale facere volens, multum in se optimatum odium contraxit."

[5] See Conrad of Ursperg, 1115, and more fully in the Halberstadt Chronicle in Leibnitz, ii. 132.

CH. XXIII. peace which his father-in-law kept in the island realm, and the revenues which he drew from it to overcome or to buy over his foes elsewhere. But the German King had learned one piece of wisdom from the experience of other princes who had taken wives of Norman descent. Some of the courtiers of Henry of England who followed in the suite of the bride seemed to have thought that they might find an occasion of establishing themselves in Germany and the Empire generally, in the same way in which the marriages of Emma in England and Sichelgauda in Apulia had led the way for bringing both those lands under Norman dominion. The King and princes of Germany saw through their schemes, and sent them away, with honourable treatment indeed, but without giving them any hope of setting up a Norman dominion or Norman influence in yet another land.[1]

Henry the Fifth hinders Norman settlements in Germany.

When the war broke out again, its cause or occasion arose out of the claims of William the *Clito*, the son of the captive Duke Robert. During the time of peace Henry had done his best to secure the succession of his own son the Ætheling William, by making all the chief men of Normandy do homage to him.[2] This perhaps unwilling homage may have had some share in bringing about a movement among the Norman nobles on behalf of the other William. The cause of the Clito was taken up by King Lewis, who was again ill-disposed

The Norman nobles do homage to William the Ætheling. 1115.

William the Clito finds partisans in Normandy.

[1] This comes out in a remarkable passage of Orderic (838 D); "Rogerius filius Ricardi aliique plures ex Normannis comitati sunt, et per hanc copulam Romanum apicem conscendere putaverunt, atque dignitates optimatum audacia seu feritate suâ, sibi aliquando adipisci cupierunt. Sic nimirum antecessores eorum in Anglia per Emmam Ricardi ducis filiam dominati sunt, et in Apulia per Sichelgaudam Guaimalchi ducis Psalernitani filiam super geminos hæredes furuerunt. Hæc siquidem vafer Imperator, qui plura perscrutatus est, agnovit, et alienigenas indebiti fastûs cervici suæ imponere præcavit. Unde consultu Germanorum omnes, datis muneribus, ad propria remisit."

[2] Chron. Petrib. 1115.

towards Henry, through the never-ending grudge between him and Henry's nephew Theobald.[1] Count Baldwin of Flanders was also, like his father, specially zealous on behalf of the Clito; but this source of help was soon cut off, as Baldwin died of a wound received in one of his first campaigns against Henry.[2] He was succeeded in Flanders by his nephew Charles, the son of the canonized Cnut of Denmark, who followed another line of policy, and kept the peace towards England and Normandy.[3] The war lasted four years, and in the course of it Henry lost both his Queen, who was at least a tie between him and his native English subjects, and also the man who was their bitterest enemy, his chief counsellor Count Robert of Meulan.[4] The war which Henry now waged, largely with English troops,[5] against the rebellious nobles of Normandy and his enemies on the Norman border was full of incidents of the usual kind, of sieges and skirmishes. Among these comes the tale of the defence of Breteuil by Henry's daughter Juliana against her father, which has been already quoted as an illustration of Henry's personal character.[6] It is plain that, in this kind of war-

CH. XXIII.

War begins again with Baldwin and Lewis. 1116–1117.

Wound and death of Baldwin. 1118–1119.

Charles the Good, Count of Flanders. 1119–1127.

Deaths of Queen Matilda and Robert of Meulan. 1118.

Character of the war. 1116–1120.

[1] Chron. Petrib. 1116. The Chronicler does not mention the Clito at this stage, but a list of his partisans in Normandy is given by Orderic, 843 C. See also Hen. Hunt. 217 *b*.

[2] See the details in Orderic, 843 D; Will. Malms. v. 403; Chron. Petrib. 1118, 1119; Hen. Hunt. 218.

[3] The Chronicler marks Charles as the son of Cnut; see vol. iv. pp. 666, 689. On the reign of Charles see also Orderic, 844 A.; Will. Gem. viii. 16; Will. Malms. iii. 257, v. 403, of which passages the former was written during Charles's lifetime.

[4] See the Chronicle in anno; Orderic, 843 B; Will. Malms. v. 418, who gives Matilda's panegyric; Hen. Hunt. 218.

[5] Ord. Vit. 843 D. "Quia plerosque Normannorum suspectos habuit, stipendiarios Britones et Anglos cum apparatu copioso constituit." So 847 C; "Normannos et Anglos aliosque multos regali jure adscivit." He adds one of the many complaints of the heavy taxation caused by the war. What is the meaning of the odd story in the Bermondsey Annals (1118)? "Rex Henricus salvatur a leonibus in somno per sanctitatem primi prioris Petrei sibi apparentis, virtute Deifica dum vixit."

[6] See above, p. 157.

CH. XXIII. fare, Henry was often hard pressed by his own rebels as well as by his more lawful enemies.[1] But the war was not confined to petty actions of this kind. It was marked by at least one fight which the small numbers on both sides will hardly allow us to call a pitched battle, but which was ennobled in the eyes of the time by the presence of the two Kings in person. They met at Noyon on the little river Andelle, on the borders of the forest of Lions, the chief seat of Henry's silvan pleasures on the mainland.[2] As at Tinchebrai, we seem to be reading the record of an English victory. The hosts are opposed under the names of French and English; the royal standard—we are not told its device—was borne by a man of English descent, the younger Eadward of Salisbury; and again the King of the English fights on foot like an Englishman, at the head of his immediate following.[3] But the tale also tells us how the fantastic notions of chivalry, unknown in an earlier generation to Normans and Englishmen alike, had now begun to influence men's thoughts and actions. Our admiring historian tells us how the steel-clad knights, seeking only for glory and for the good of the Church and of the land, abstained from the needless shedding of Christian blood.[4] It is more certain that the influence of

Battle of Noyon. 1119.

Signs of the growth of the chivalrous spirit.

[1] See the emphatic words of the Chronicle, 1118.

[2] This battle is recorded by the Chronicler, 1119, and is described in great detail by Orderic, 853-855, and from another point of view by Suger, 303-305. Matthew Paris also (Hist. Ang. i. 227) has a glowing account, in which William Crispin, who attacks the King personally, is raised to be "Consul Ebroicensis."

[3] All these details come from Orderic. This Eadward of Salisbury (on whom see Mr. J. G. Nichols in the Salisbury volume of the Archæological Institute, p. 214) appears in 854 A. In 854 B we read how the King's son Richard with a hundred knights fought on horseback; "Reliqui vero cum Rege pedites in campo dimicabant." See above, p. 175. Henry of Huntingdon, on the other hand (218), makes the King fight on horseback and his sons on foot.

[4] The passage in Orderic, 854 D, is truly wonderful, and almost carries us to the Italian wars of the fifteenth century. He says that, out of nine

the custom of ransoming prisoners was beginning to have its effect. King Lewis himself was let go by a peasant who acted as his guide, but who knew not the money value of his prisoner.[1] It was but a fantastic courtesy when King Henry sent back the horse of King Lewis, and when William the Ætheling sent back the horse of William the Clito,[2] who had that day for the first time fought the arms of knighthood.[3] But we may see real generosity, or perhaps the higher feeling of a real sense of right, when King Henry sent back, unhurt and unransomed, certain knights who were at once his own men and the men of the King of the French, and who had preferred to act according to their allegiance to the higher lord.[4] And another incident of this battle shows that we are getting into a new age. The fashion of coat-armour, or of something to the same effect, a fashion unknown in the days of the Conqueror,[5] had now come into use, and some French knights, throwing aside the devices by which they would

Instances of generosity.

Introduction of coat-armour.

hundred knights, three only were killed; "Ferro enim undique vestiti erant, et pro timore Dei notitiaque contubernii vicissim sibi parcebant; nec tantum occidere fugientes quam comprehendere satagebant; Christiani equidem bellatores non effusionem fraterni sanguinis sitiebant, sed legali triumpho ad utilitatem sanctæ ecclesiæ et quietem fidelium, dante Deo, tripudiabant."

[1] Orderic tells the story in 855 A, where the King of the French is oddly described as "quanti emolumenti vir."

[2] Ord. Vit. 855 B. The King's horse is "mannus," that of the Clito is "palefridus." "Guillelmus Adelingus" and "Guillelmus Clito" are here brought close together.

[3] Ib. 854 A, B. "Ibi Guillelmus Clito armatus est, ut patrem suum de longo carcere liberaret et avitam sibi hereditatem vendicaret."

[4] Ib. 835 B. With this we may compare a story of the generosity shown by a baron on the other side, Richer of L'Aigle, who, though engaged in rebellion, could act worthy of his name (see vol. iv. p. 659). Orderic, 857 B, tells us how Richer, when driving back a raid of peasants on the King's side on his own land, spared a crowd of them who asked for mercy under a way-side cross. The comment is, "Nobilis vir pro Creatoris metu fere centum villanis pepercit, a quibus, si prehendere eos temere præsumpsisset, grande pretium exigere potuisset."

[5] See vol. ii. p. 285.

CH. XXIII. have been known, were able to mingle themselves with the loyal Normans, and, by help of the common tongue, to join undiscovered in the songs of triumph which were raised over their defeat.[1]

Council at Rheims. October 20, 1119.

Lewis, thus defeated in battle, tried before long to gain a moral advantage over his enemy. Pope Calixtus had called a Council at Rheims, which was attended by a crowd of prelates and others from Germany, Gaul, and England. King Henry let the prelates of England and Normandy go to it, but only with commands, couched almost in the words of his father. They might profess his duty to the apostolic see; they might promise punctual fulfilment of all accustomed duties and payments; but he would not give up a jot of the privileges handed down to him from old times, and he would put up with no innovations in his kingdom.[2] He had need to give such orders; for, in the course of the Council, an attempt was made to make the Pope sit as judge, or at least as arbiter, between the contending Kings of France and England. King Lewis made his complaint in person; he set forth how Henry had seized on his fief of Normandy, how he had imprisoned his vassal, its lawful Duke, and disinherited his son; how he had seized his ambassador Robert of Belesme, how he had abetted his rebellious vassal Count Theobald, and had done other things contrary to the duty of a man to his lord.[3] The feeling of the assembly was with the French King, and the Arch-

Lewis accuses Henry to Pope Calixtus.

[1] Ord. Vit. 855 C. "Nonnulli fugientum cognitiones suas, ne agnoscerentur, projecerunt, et insectantibus callide mixti signum triumphantium vociferati sunt, atque magnanimitem Henrici regis suorumque fictis laudibus præconati sunt."

[2] The Council at Rheims is recorded by the Chronicler, 1119, and Eadmer, 124, who connect it chiefly with the affair of Thurstan of York. The fullest account is in Orderic, 857–863. Henry's instructions (858 A) are wound up with the words, "superfluas adinventiones regno meo inferre nolite." Henry of Huntingdon (218) cuts it short. There is another account in Suger, c. 21.

[3] The speech of Lewis is given by Orderic, 858–859. It is added that he was "ore facundus, statura procerus, pallidus et corpulentus."

bishop of Rouen, Geoffrey, who tried to speak on behalf of his sovereign, could not even find a hearing.[1] But Pope Calixtus was too wary rashly to commit himself to any condemnation of the King of the English. He was moreover Henry's kinsman, a nephew of Guy, the old rebel who was overthrown at Val-ès-dunes.[2] He would go and speak in person to his kinsmen, to King Henry and Count Theobald. CH. XXIII. Calixtus promises a personal interview with Henry.

A crowd of decrees were passed in the Council; the Truce of God was again confirmed,[3] and, if Henry of England was spared, an anathema was hurled at his Imperial name-sake and son-in-law, together with his anti-pope.[4] The interview between the Pope and the King presently took place at Gisors; and we are told that Henry was able fully to convince the Pontiff of the righteousness of all his acts. 1119. All that he had done had been to deliver Normandy from anarchy; he had taken it away, not from his brother, who was a sovereign only in name, but from the thieves and murderers and heathenish robbers of churches who had it in actual possession.[5] The plea was certainly a good one; Decrees of the Council of Rheims. Interview between Calixtus and Henry at Gisors.

[1] Ord. Vit. 859 B. "Orto tumultu dissidentium interceptus conticuit, quia illic multi aderant inimicorum, quibus excusatio pro victorioso principe displicuit."

[2] He was a son of William Count of Burgundy, son of Count Reginald and of Adeliza, daughter of Richard the Good. The pedigree of Guy, Archbishop of Vienne, afterwards Pope Calixtus, is given by Orderic, 848 A. See vol. i. p. 514; vol. ii. pp. 181, 242. Orderic uses the words "Dux Burgundionum," but the Burgundy meant is the Imperial Palatinate and not the French Duchy.

[3] Ord. Vit. 860 B.

[4] Ib. 863 A. "Karolum Henricum Imperatorem theomachum, et Burdinum pseudo-papam, et fautores eorum, mœrens excommunicavit." There are a crowd of other decrees on various subjects, among them a further forbidding of clerical marriages and of the investiture of abbots by any layman.

[5] This interview is recorded by William of Malmesbury, v. 406; more fully by Orderic, 864–866. Henry is made to say (865 B) that in Robert's days "pene paganismus per Normanniam passim diffundebatur." Henry of Huntingdon (218) remarks that "collocuti sunt sacerdos magnus et Rex magnus."

CH. XXIII. and the Pope employed himself in bringing about a peace between the two Kings, accompanied by a restoration of the castles and prisoners which had been taken on both sides.[1]

Peace between Henry and Lewis. 1120.

This treaty was again followed by a short season of peace, and it was during that season of peace that Henry, victorious over his enemies, had to endure the heaviest of blows in his own house. We have now reached that event in Henry's reign which has naturally made a deeper impression on popular imagination than any other, and which was in truth the turning-point in his reign, and indeed in much of English history. The Conqueror had founded a dynasty which was to last from his day to ours; but it was to be continued in descendants who sprang from him only by the same spindle-side by which they sprang from the older royalty of Ælfred and Cerdic. His only direct and legitimate male descendants were now King Henry, the captive Robert, and their sons the two rival Williams. With them, in the second generation, the male line of the great William was to end in sons each of whom was cut off in the lifetime of his father. The turn of the Ætheling came first. Every pains had been taken by his father to secure his succession on both sides of the sea. The nobles of Normandy had already done homage to him as their future Duke,[2] and the year after, the Witan of England did the like in a great meeting at Salisbury.[3] Still further to strengthen his claim to the Norman succession, William had, seemingly as one of the articles of the

Dying out of the Conqueror's male line.

Attempts to secure the succession of the Ætheling William.

Homage of the Witan of England. March 19, 1116.

[1] Chron. Petrib. 1120.

[2] See above, p. 186.

[3] Eadmer, 117. "Quid sibi eventurum foret ignorans, Willielmum, quem ex ingenua conjuge sua filium susceperat, hæredem regni substituere sibi volebat. Igitur agnita Regis voluntate mox ad metum ejus omnes principes facti sunt homines ipsius Willielmi, fide et sacramento confirmati." The Bishops only promised to do homage to the Ætheling in case of their outliving the King. The homage is also recorded by Florence (1116) in one of his last entries.

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treaty, done homage to the King of the French for the fief which he was one day to hold of him.[1] The fact is remarkable, as there is no record of any homage done by either William Rufus or Henry, both of whom seem to have looked on Normandy as a land to be fought for or bargained for without any thought of the rights of the over-lord. But it is no less plain that the King of the French never forgot that the Duke of the Normans was his vassal, and the French version of these events implies that impatience of the feudal relation was one motive for Henry's hostility towards his over-lord.[2] In such a state of things, and especially after the cessions which Lewis had made to Henry at the time of the former treaty, this homage done to the King of the French by Henry's son is one of the most speaking signs of Henry's anxiety to secure his son's succession by every means in his power. With the same view, the marriage which had been agreed on some years before between young William and Matilda of Anjou was now celebrated, though her father Fulk, afterwards King of Jerusalem, was at this time absent in his future kingdom.[3] All this points on the one hand to the growing notion of hereditary right, and on the other hand to the fact that it was still only a growing notion. It was still needful to take every means to secure the succession

Homage done by William to Lewis. 1120.

Marriage of William with Matilda of Anjou. 1119.

[1] Will. Malms. v. 405; Gesta Consulum, iii. 264. This last writer has his own version of the wars between Henry and Fulk. See also the Continuator of Florence, 1119, and Simeon, 1120.

[2] Suger, 21. "Quoniam omnis potestas impatiens consortis erit, rex Francorum Ludovicus, eâ quâ supereminebat regi Anglorum ducique Normannorum Henrico sublimitate in eum semper, tanquam in feodatum suum, efferebatur. Rex vero Anglorum, et regni nobilitate et divitiarum opulentiâ mirabili inferioritatis impatiens, suffragio nepotis Theobaldi palatini comitis et multorum regni æmulorum ut ejus dominio derogaret, regnum commovere regem turbare nitebatur."

[3] The marriage is placed by Orderic (851 B) in 1119, before the Council. William of Malmesbury (v. 405) and the Gesta Consulum (264) connect it with the peace. The Angevin writer speaks of William as "qui post eum [Henricum] regnaturus erat."

CH. XXIII. of the son of the reigning King, especially when he was threatened by a competitor who, in Normandy at least, numbered many partisans. But it is worth notice that we hear nothing of any thought of a coronation during his father's lifetime, a course so common both in France and in the Empire, and which was followed in England by Henry's grandson without any such pressing need. Perhaps Henry felt sure of England and doubted only of Normandy. Perhaps English ideas of the kingly office did not allow that there should be two crowned Kings in the land at the same time. Perhaps Henry, anxious as he was that his son should reign when he was dead, was no more willing than his father was to do any act which could be construed as giving up one jot of his power in his lifetime, even in favour of that darling son.

No coronation during the King's lifetime.

But Henry's schemes were not destined to bear fruit. No homage, no marriage, no treaty or agreement of any kind, could in those days rule the succession to the English throne, before that throne was vacant. In this case the plans which had been so wisely laid were shattered, as the men of those times deemed, by the immediate act of God. When the peace was concluded, and the affairs of Normandy had been settled, the King and the Ætheling hastened to come back to England. The King's voyage was prosperous; the Ætheling perished, as all the world knows, by the sinking of the White Ship.[1] Men marked that the ship which thus refused to carry another William from the shores of Normandy to those of England had for its captain the son of the man who had steered the ship which bore his grandfather from Saint Valery to Pevensey.[2]

Failure of Henry's schemes.

The Ætheling drowned in the White Ship. 1120.

[1] The drowning of William and his companions is recorded by all our writers, beginning with the Chronicler, 1120. Fuller details and comments are given by Orderic, 867-870; William of Malmesbury, v. 419; Henry of Huntingdon, 218 A, and in Anglia Sacra, ii. 696; Eadmer, 135, and the Continuator of Florence, 1120. Orderic seems to put it under a wrong year.

[2] So says Orderic, 867-868. Thomas Fitz-Stephen is made to say that

With his heir Henry lost his natural son Richard, who had specially distinguished himself in the French wars,[1] a natural daughter, Matilda the wife of Rotron Count of Perche, the young Richard Earl of Chester, in whom ended the male line of his father the mighty Hugh,[2] and a crowd of others high in rank and office.[3] Grave men spoke of many of them as deeply stained with the vices of the last reign, and looked on the blow which swept them away as a special judgement from heaven.[4] The grief was general. Whatever may have been the personal character of the young Ætheling at the age of seventeen, he had as yet had no great opportunities for working any public wrong.[5] All Henry's schemes to settle the succession had come to nothing. The succession of William the Clito was a prospect to which he could not bring himself to look forward, and we may conceive that, however CH. XXIII.

the Conqueror passed over to England in the ship of his father Stephen, a tale which it is not easy to reconcile with the story of the Mora (see vol. iii. p. 380). Stephen may however have been the captain or pilot.

[1] This Richard, who appears in all the battles, is especially spoken of by Henry of Huntingdon in the De Contemptu Mundi, Ang. Sac. ii. 696.

[2] This Richard is also the subject of the moral comments of Henry of Huntingdon (u. s.). See also Orderic, 522 B.

[3] Orderic's list (870 B) begins with "Theodericus puer Henrici, nepos Imperatoris Alemanorum," and ends with "Robertus Malconductus, et nequam Gisulfus, *semba* regis," whatever *semba* may be.

[4] This comes out most clearly in Henry of Huntingdon (218 A), whose words are as strong as words can be. Cf. Gervase, 1339. But the charge is indirectly confirmed by Orderic, who mentions (868 B) that several persons, among them Stephen the future King and Eadward of Salisbury, left the ship, "quia nimiam multitudinem lascivæ et pompaticæ juventutis inesse conspicati sunt." Matthew Paris (Hist. Ang. i. 230) seems to speak of the charge as a French calumny; "Si Francigenarum adversantium probris credendum est." There is also a singular statement in the Brut y Tywysogion, 1117, which I must quote in the translation without pledging myself to its accuracy, how there were with them "about two hundred principal women, who were deemed most worthy of the affection of the King's children." Cf. Sim. Dun. in anno.

[5] See Appendix W. On the grief of Henry, which has passed into a popular legend, Wace has much to say, 15325–15375.

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acceptable it may have been in Normandy, it would have been unpopular in England. The King's first remedy for the danger was the obvious one of a second marriage. In the year after his son's death, Henry again took him a wife, a wife who, if not English, was at least not French, and who was sought for among the princes who were the vassals of his son-in-law. The new Queen was Adelaide or Adeliza,[1] the daughter of Godfrey, Count of Löwen and Duke of Lower Lothringen.[2] But this second marriage was childless, and this failure of legitimate male issue presently led Henry to a step which was without parallel either in England or in Normandy.

Marriage of Henry with Adeliza of Löwen. 1121.

As before, the peace did not last long. The beginning of fresh disturbances seems to have been when Count Fulk came back from Jerusalem and demanded the dower of his daughter, the widow of the Ætheling, who was kept in all honour by her father-in-law in England.[3] He soon made an alliance with the rebellious nobles of Normandy, by whom the claims of William the Clito were again asserted.[4] Among these we hear especially of Waleran the son of Henry's late

Beginning of new disputes with Anjou. 1121–1123.

Fulk takes up the cause of the Clito.

[1] Like her step-daughter, she appears in the Chronicle of Melrose (1121) as "Aaliz."

[2] The marriage is recorded by the Chronicler, 1121; "Se cyng Henri... toforan Candelmæssan on Windlesoran him to wife forgyfen Aðelis and syððan to cwene gehalgod. Seo wæs þæs heretogan dohtor of Luuaine;" where mark the unusual word "heretoga" (see vol. i. p. 581, Ed. 2). This is translated by Henry of Huntingdon, who adds "causa pulcritudinis." Orderic, 871 A, says that it was "consultu sapientum" ("mid minra witena geþeahte"), which comes out more fully in Eadmer, 136, who remarks that the King took this step "ne quid ulterius inhonestum committeret." This phrase may bear more than one meaning, and it may perhaps be contrasted with the words of William of Malmesbury, v. 419. See also Flor. Cont. 1121; Brut, 1118; and Wace, 15375.

Mr. Earle (Parallel Chronicles, 363) collects other forms of her name. She calls herself "Aalidis" and "Aelidis."

[3] Chron. Petrib. 1121; Will. Malms. v. 419; Sim. Dun. 1123; Ord. Vit. 875 D. See more of her in Wace, 15380 et seqq.

[4] The war and its causes are well summed up by our own Chronicler when he comes to the end of it in 1124. Cf. Orderic, 875 C.

counsellor Robert of Meulan, a youth who with his brother had been brought up under the eye of the learned King, and whose youthful powers of disputation had been displayed before Pope Calixtus himself.[1] Again King Lewis stepped in as the ally of the Norman rebels, but this time the English King was able to stir up a mighty adversary against him. Henry's Imperial son-in-law came to his help against the common enemy of Germany and England. Again, as in the old days of the Ottos,[2] a German host was gathered for the invasion of the Western kingdom. But the march of Cæsar acted only as a diversion on behalf of his English ally. The special object of the expedition was to attack Rheims, where Pope Calixtus had a few years before pronounced his anathema. But great was the rejoicing in France when, on the news of civil disturbances within the German realm, the Imperial host turned back from Metz, and when, in the next year, all danger from that quarter passed away by the sudden death of the last Emperor of the Frankish house.[3] His marriage with the English

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Rebellion of Waleran of Meulan. 1123.

Expedition of the Emperor Henry against France. 1124.

Death of the Emperor. 1125.

[1] The rebellion of Waleran is marked by Orderic (875 C) and in the Chronicle (1123), where we find a remarkable use of English language as applied to Normans, "and weax þa micel unfrið betwux him [Henry] and hise *þeignas*." Of the early education of Waleran, besides the passage in Orderic, see Will. Malms. v. 406.

[2] See Historical Essays, First Series, pp. 245, et seqq.

[3] This expedition is recorded by Otto of Freising (vii. 16), and more fully by Ekkehard (Pertz, vi. 262), who is followed by Conrad of Ursperg. He says that the march was made "specie quidem contra Saxoniam, re autem vera contra Galliam, in regnum regis Ludewici præbiturus, nimirum auxilium socero suo Heinrico Angliæ regi pro possessione Normanniæ provinciæ contra eundem regem Galliæ Ludewicum contendenti." He adds the remark that "Teutonici non facile gentes impugnant exteras." Suger (21) of course tells the story with great glee, and adds, "Quo facto nostrorum modernitate vel multorum temporum antiquitate nihil clarius Francia fecit, aut potentiæ suæ gloriam viribus membrorum suorum adjuvans gloriosius propalavit, quam quum uno eodemque termino de Imperatore Romano et Rege Anglico, licet absens triumphavit." He had before made Lewis speak of the Germans as men who "in terrarum dominam Franciam superbe præsumpserunt." Orderic (882, 883) records the death of Henry, and describes the election of his successor Lothar at great length.

CH. XXIII. Henry defeats the rebels at Bourgtheroulde. 1124.

Augusta was childless, and new pages in the history both of Germany and of England were thus opened. But meanwhile the war had been brought to an end in Normandy. In a battle in Bourgtheroulde, in the land between the Seine and the Rille, the rebels were utterly overthrown, chiefly by the prowess of the archers in the royal host. That host is again called English, and it may be that the forefathers of the men whose arrows were to win the fight of Crecy had already learned to wield the weapon of their conquerors.[1] Most of the rebel nobles were taken prisoners, and this time we hear little of generosity or mercy. King Henry held his court at Rouen to sit in judgement on his rebels. Two who had broken their allegiance were sentenced to the loss of their eyes, and the same punishment was decreed against Luke of Barre, who had never sworn fealty to Henry, but who had stirred up his bitterest wrath by making satirical verses against him.[2] The holy Count Charles of Flanders, whom some chance had brought to Rouen, pleaded in vain for mercy, and it is even implied that the King's arguments convinced him of the justice of the sentence.[3] The poet, on hearing his doom, dashed out his brains against the walls of his prison.[4]

Cruel treatment of the prisoners.

[1] The battle is recorded by the Chronicler, 1124, at some length, and more fully by Orderic, 879–881. It is he who mentions that the battle was chiefly won by forty archers. He does not distinctly mention their nation, but he makes the rebels oppose the "flos totius Galliæ et Normanniæ" to the "Angli" against whom they had to fight.

[2] The places of imprisonment of Hugh and Waleran are carefully marked in the Chronicle. It is from Orderic (880 D) that we get the story of Luke. The King first blinds two prisoners, "pro perjurii reatu," then "Lucam quoque de Barra pro derisioriis cantionibus et temerariis nisibus orbari luminibus imperavit," or, as the King himself is made to say, "indecentes de me cantilenas facetus coraula composuit ad injuriam mei palam cantavit, malevolosque mihi hostes ad cachinnos ita sæpe provocavit." See vol. ii. p. 287.

[3] Ord. Vit. 881 B. "His auditis Flandriæ Dux conticuit, quia quid contra hæc rationabiliter objiceret non habuit."

[4] This story is also told by Orderic (u. s.). He died "multis mœrentibus qui probitates ejus et facetias noverant."

Those who fared the best, Count Waleran and Hugh of Montfort, passed years in the dungeons of Rouen and Gloucester. CH. XXIII.

Peace again followed. The Clito was once more disowned everywhere. Fulk of Anjou had promised him his younger daughter Sibyl, and he had given him in fief the county of Maine, again vacant by the death of William the Ætheling. But the subtlety of Henry's canonists found out that the marriage was unlawful on the ground of kindred, and young William was again cast adrift.[1] His time of utter distress and wandering did not however last very long. But, before any change took place in his fortunes, Henry had made another attempt to settle the succession of his kingdom and duchy in a way unparalleled in both. His former plans had come to nothing.

Peace with France. 1125.

Marriage of the Clito with Sibyl of Anjou set aside.

Henry's plans for the succession of his daughter.

> "Filius huic, fato Divom, prolesque virilis
> Nulla fuit, primaque oriens erepta juventa est.
> Sola domum et tantas servabat filia sedes."[2]

His son was gone; his mind seems to have been made up to have any successor rather than his nephew. The growing respect for legitimate birth—a respect springing from the growing conception of kingship as a property rather than an office—seems to have shut out all idea of passing on the Crown which had been held by William the Bastard to any of his grandsons who were not born in lawful wedlock. Richard, whose youth had given such hopes and who had so distinguished himself in the French wars, had died in the White Ship; but, if England had been called on to choose from among the descendants, legitimate and illegitimate, of her Conqueror, she could hardly have made a worthier choice than Robert of Caen. Enriched by a marriage with the heiress of Robert Fitz-Hamon, and in-

His natural sons seemingly not thought of.

Robert Earl of Gloucester.

[1] This marriage is referred to in the Chronicle, 1127. See also Will. Malms. v. 419, and Hist. Nov. i. 1; Ord. Vit. 838 B. The kindred was of the most distant kind, and it would tell equally against the Angevin alliances which Henry made for his own children.

[2] Virgil, Æneid, vii. 50.

CH. XXIII. vested with the earldom of Gloucester, Henry's son Robert was one of the first men in the kingdom; but, at this time at least, no word was breathed of his succession to the Crown.[1] Henry had now given up all hopes of children by his second marriage;[2] so he now ventured on a step which showed, beyond all others, how far the new notions of kingship had already grown. Alike in Normandy and in England, the rule of a woman was something unheard of. According to all Teutonic notions, it would have been held absurd to bestow the kingly or ducal office on one who could discharge none of its chief duties. Normandy had never seen a Duchess regnant; in England the only case is the doubtful, and in any case anomalous and momentary, reign of Sexburh in Wessex.[3] The Lady of the Mercians, though she practically discharged the duties of a sovereign, was not a crowned Queen.[4] But now the feudal conception of kingship had gained such ground that it began to be thought that a kingdom, like any other estate, might, in the absence of a son, pass to a daughter. She might either discharge her kingly duties in person, or she might hand over both the estate and the office to her husband. In either case, the idea of a Queen regnant points to a notion of kingship which was new on both sides of the sea. When therefore, after five years of marriage, Adeliza had brought him no heir, Henry determined to attempt to obtain the acknowledgement of his daughter as his successor. The death of the Emperor had left Matilda a childless widow;[5] there was therefore no

Novelty of female succession.

Cases of Sexburh and Æthelflæd.

[1] See Appendix BB.

[2] Will. Malms. Hist. Nov. i. 2.

[3] See vol. i. p. 580, Ed. 2.

[4] See vol. i. p. 565, Ed. 2.

[5] Matthew Paris (Hist. Ang. i. 237) has a wonderful story about the Emperor forsaking his crown (cf. vol. iii. p. 758), and how Matilda was suspected of his death. Cf. Roger of Howden, i. 181, who adds that Matilda came to England with the Imperial crown and the hand of Saint James. To receive the relic the abbey of Reading was founded, "coronam autem Imperialem in thesauro suo recondidit."

fear of either an Imperial husband or an Imperial son putting forth claims which might have been dangerous to the island realm. In England and Normandy, on the other hand, the belief seems to have been that the notion of placing Matilda in a post so unusual in her sex did not come first from her father or his counsellors, but from some of the princes of the land which now, at her father's bidding, she was called on unwillingly to leave.[1] Her presence however was needed by his policy. He sent for her from Germany; she joined him in Normandy, and accompanied him when he came back in triumph to England with the captives of Bourgtheroulde.[2] CH. XXIII.

Matilda comes back from Germany. 1126.

He now took the decisive step. In the Christmas Gemót of the year, which was opened at Windsor and then adjourned to Westminster,[3] all the chief men of the land, spiritual and temporal, swore that, if the King died with-

Her succession sworn to by the Witan. Christmas, 1126–1127.

[1] Both William of Malmesbury and the Continuator of William of Jumièges imply that the princes of some part of the Empire, though the more strictly German lands seems to be carefully shut out, sought for Matilda to reign over them, after the example, we may suppose, of Pulcheria—Zoe and the second Theodora would be no precedents in the West. The words of the former writer (Hist. Nov. i. 1) are, "Constat aliquos Lotharingorum et Longobardorum principes succedentibus annis plus quam semel Angliam venisse, ut eam sibi dominam requirerent." The Continuator (viii. 25) says, "Licet excellentissimi principes curiæ Romanæ experti prudentiam ipsius, et morum venustatem vivente imperatore conjuge suo eam omnimodis sibi imperare optarent et hac de causâ ipsam prosecuti sint usque ad curiam sui patris id ipsum rogaturi." It is not very clear who are meant by the "principes curiæ Romanæ." But it would seem that the expression was chosen with the same object as that of William of Malmesbury. But either expression is worth comparing with the words of Orderic, 882 C, "Imperii insignia moriens Cæsar imperatrici Matilda dimisit."

[2] The two things, the return of Matilda and the bringing over of the captives, are connected by the Chronicler (1126), and the visit of David comes directly after.

[3] The statement of William of Malmesbury that the Gemót was held in London, and that of the Chronicler that it was at Windsor, are reconciled by the account of Simeon (1128) that the meeting was adjourned to London ("transiit inde Lundoniam"), where the oath was taken on the Feast of the Circumcision. So Hen. Hunt. 219.

CH. XXIII. out heirs male, they would receive his daughter as Lady—the words Queen and Duchess seem to be avoided—over England and Normandy.[1] Three among those who swore are specially to be noticed, on account of the part which they played in the later history. The first place among the laity was yielded without dispute to David, King of Scots. His kingly rank placed him above all other vassals of the English Crown, and as the uncle of the future Lady, he was, next after her father, the natural guardian of her rights. The second place was warmly disputed between the King's legitimate nephew and his illegitimate son. The one was Stephen, Count of Boulogne and Mortain, the brother of that Count Theobald whose cause had been made the excuse for so many wars. The other was Robert Earl of Gloucester. One pleaded the rights of nearness of kin to his father, the other those of legitimate birth and princely rank.[2] The arguments of the nephew were

Oath of King David of Scotland.

Rivalry between Stephen and Robert decided in favour of Stephen.

[1] Chron. Petrib. 1127. "He let sweren ercebiscopes and biscopes and abbotes and eorles and ealle þa ðeines ða þær wæron, his dohter Æðelic Engleland and Normandi to hande æfter his dæi." See also Simeon, 1128; Flor. Wig. 1126; Will. Gem. viii. 25, who makes the oath "quatenus ipsi pro suis viribus obniterentur ut eadem Augusta, post decessum patris, monarchiam majoris Britanniæ, quam nunc Angliam vocant, obtineret." In the Gesta Stephani (7, cf. 34) the form of the oath is given; "Ne quem post illius discessum, nisi aut filiam, quam comiti Andegavensi maritârat, aut illius, si superfuisset, hæredem in regno susciperent." And the partisans of Stephen are made to add, "Ad ipsam quoque hæredandam imperioso illo cui nullus obsistebat, oris tonitruo, summos totius regni jurare compulit potius quam præcepit." William of Newburgh (i. 3) makes it an oath; "Filiæ suæ et susceptis vel suscipiendis ex ea nepotibus." William of Malmesbury, who gives the fullest account (Hist. Nov. i. 2, 3), is the only one who gives any distinct title; "Ut si ipse sine hærede masculo decederet, Matildam filiam suam, quondam imperatricem, incunctanter et sine ulla retractione *dominam* susciperent." She is "Domina Angliæ" again in ii. 42.

[2] William of Malmesbury alone mentions the dispute between Stephen and Robert. He speaks of it twice in the Historia Novella (i. 3 and iii. 55), but he contradicts himself in the two passages. King David swears first in both, but in one Stephen is described as swearing second, and in the other Robert. In the earlier passage we read, "Notabile, ut dum dicitur, fuit certamen inter Robertum et Stephanum æmula laude virtutem inter se

deemed the stronger, and Robert held only the third place in taking the oath, which he afterwards so well kept, of faithfulness to his half-sister. This done, the Assembly departed, after the childless Queen had been comforted with a grant of the earldom of Shrewsbury,[1] as though it were fit that the principle which had just been established with regard to the Crown should be at once applied to lesser dignities also. CH. XXIII.

Alleged promise of Henry about the marriage of Matilda.

According to one account, the Witan who had taken the oath to Matilda were absolved from it as soon as it was taken, by the King's failure to keep an oath of his own. The famous Bishop Roger of Salisbury declared that he and the rest of the assembly swore to the succession of Matilda only on condition that the future Lady of England should not be given in marriage to any one beyond the realm, unless with the consent of himself and the rest of the Great Council.[2] Be this true or false, the fact that Roger should have said so is of itself most remarkable. Roger was so far from being a genuine Englishman that he was not even a native of England. Yet he, truly or falsely, puts into his own mouth words which remind us of the words which are put into the mouth of Harold when he tells the ambassadors of William that he cannot marry a foreign wife without

contenderent quis eorum prior juraret, illo privilegium filii, isto dignitatem nepotis spectante." In the second the language is a little changed; "Roberto excellentiam filii, Stephano dignitatem nepotis, defendentibus." I accept the former statement as more careful and trustworthy, coming as it does in the regular historical narrative, while the other comes only incidentally in a panegyric on Robert. The writer of the Gesta Stephani (34) also mentions David as swearing first. Among the clergy Archbishop William of course swore first, and "Rogerus magnus Salesburiensis episcopus" second. Hen. Hunt. 221 *b*. Cf. Will. Neub. i. 4.

[1] Will. Malms. Hist. Nov. i. 2.

[2] Ib. 3. "Ego Rogerium Salisbiriensem episcopum sæpe dicentem audivi solutum se sacramento quod imperatrici fecerat, eo enim pacto se jurâsse, ne rex præter consilium suum et cæterorum procerum filiam cuiquam nuptam daret extra regnum." The historian however distinctly refuses to guarantee the truth of the Bishop's statement.

CH. XXIII. the consent of his Witan.[1] At any rate, before the year was out, Henry had given his widowed daughter to a husband out of the realm. According to the same statement of Bishop Roger, it was without any general consent of the kingdom, by the advice only of his son Robert and of two other counsellors, that Matilda was married to Geoffrey, the son of Fulk of Anjou.[2] For one who held the rank of Augusta such a marriage seemed degrading in the eyes of many, and not least in the eyes of the Augusta herself.[3] But the scheme exactly fell in with the plans of Henry. Anjou was, after all, a more dangerous enemy than France, and the question about Maine was ever starting up in new forms. By this marriage he trusted that his most dangerous neighbour would be turned into a friend, and that, in another generation, Maine, and Anjou itself, would become part of the possessions of the ducal house of Normandy. Such a dominion, even if Normandy and England were to be parted, would make its holder the most powerful prince of Northern Gaul, a prince far more powerful than his nominal lord at Paris. Besides these

Marriage of Matilda to Geoffrey of Anjou.

Schemes of Henry and their results.

[1] See vol. iii. p. 262.

[2] The marriage is recorded by all our writers; by the Chronicler, 1127; Sim. Dun. 1128–1129; Ord. Vit. 763 B, 889 A, where a wrong date is given; Will. Malms. i. 1, 3, who quotes Bishop Roger as saying, "ejus matrimonii nullum auctorem, nullum fuisse conscium, nisi Robertum comitem Gloucestræ et Brianum filium comitis, et episcopum Luxoviensem." And this is so far confirmed by the Chronicle that Robert and Brian ("Brian þes eorles sunu Alein Fergan") are spoken of as taking Matilda over to Anjou. Geoffrey's personal surname of Plantagenet, which has come in popular use to be the name of the whole Angevin dynasty, is found in Wace, 15388;

"Conte Giffrei son frere
Ki l'en clamout Plante-genest."

A few lines on he speaks of him as "Plante-genest," without his name, as Rufus is spoken of.

[3] She had, according to William of Malmesbury, Hist. Nov. i. 1, left Germany unwillingly, and the Chronicler (1127) says of the Angevin marriage, "hit ofþuhte naþema ealle Frencisc and Englisc." So Will. Gem. viii. 25; "Licet invitam, dedit eamdem imperatricem in uxorem Gaufrido Martello."

more distant hopes, there was the immediate gain of separating the house of Anjou from the cause of the Clito William—now suddenly become a great prince—now that the affinity which had been once contracted with him was transferred to the house of his uncle.[1] The more distant schemes of Henry took effect, at least for a season. Through the marriage of Geoffrey and Matilda, England and Normandy, Anjou and Maine, were all joined under the sceptre of their son. But in taking the steps which led to the establishment of that vast dominion, he was also paving the way for the separation of England and Normandy, for —what no man then could have dreamed of—the annexation of Normandy by France. The direct results of the marriage were a store of public anxiety and private unhappiness, followed by nineteen years of wretchedness for England. The widow of Cæsar found the young son of the Count of Anjou a mate not to her mind. She was once sent back with scorn to her father, and the Witan of England had to meet in solemn debate to settle this domestic quarrel. Matilda went back to her husband, after her succession had again been solemnly confirmed by renewed oaths.[2] Yet the last years of Henry's reign were disturbed by the claims of his son-in-law to certain Norman castles, which led once more to skirmishes and sieges.[3] But in the end some degree of harmony was

CH. XXIII.

Disputes between Matilda and Geoffrey. 1129–1131.

Her succession confirmed. 1131.

[1] This is clearly put forth by the Chronicler, 1127; "Oc se kyng hit dide for to hauene sibbe of se eorl of Angeow, and for helpe to hauene togænes his neue Willelm."

[2] This renewal of the oaths to Matilda is recorded by William of Malmesbury, Hist. Nov. i. 6; "Imperatrix . . . natali solo adventum suum exhibuit; habitoque non parvo procerum conventu apud Northamtonam priscam fidem apud eos qui dederant novavit, ab his qui non dederant accepit." One would not have found out from this why it was that Matilda came to England, and that she had been spending two years in Normandy. But we make out the story from Simeon, 1129, and Henry of Huntingdon, 220. Matilda's own panegyrist in the continuation of William of Jumièges has nothing to say about this.

[3] Ord. Vit. 900 C. This is in the last year of Henry's reign.

CH. XXIII. brought about between husband and wife. Matilda became the mother of three sons, one of them to be in time another King Henry of even greater fame than his grandfather.[1]

Birth of Henry the Second. March, 1133.

Duke Robert at Bristol. 1126.

Duke Robert removed from the Devizes to Bristol. 1126.

It is worthy of notice that the return of Matilda to England was accompanied by a change in the prison and the warder of her captive uncle. He had been kept under the care of Bishop Roger of Salisbury in his castle of the Devizes.[2] At the request of Matilda and of her uncle the King of Scots, he was now moved to Bristol, under what they must have thought to be the safer keeping of the Empress's half-brother, Earl Robert.[3] This clearly shows from what quarter danger was looked for; and presently danger, if not from the captive Robert, at least from his son the Clito, again began to threaten. King Lewis again took up the cause of William, and he consoled him for the loss of Maine and of his Angevin bride by a grant of the French Vexin and of the hand of Adeliza the half-sister of his own Queen.[4] The way to a greater promotion was, almost at the same moment, opened by the murder of Charles the Good, Count of Flanders, who died by the same death as his father Cnut, though not through the vengeance of an injured people, but through the plots of a competitor for his dominions, his kinsman William of Ypres.[5] There were a crowd of competitors for the vacant principality, among whom were King Henry and the Clito

Lewis again takes up the cause of William. January, 1127.

Murder of Charles of Flanders. March 1, 1127.

[1] Ord. Vit. 763 B; Will. Gem. viii. 25; Robert de Monte (Pertz, vi. 491), 1133.

[2] Orderic, 887 A, places him at the Devizes a little later, probably by a confusion of chronology. The castle of the Devizes certainly belonged to Bishop Roger.

[3] This is recorded by the Chronicler, 1126, who adds emphatically, "þæt wæs eall don ðurh his dohtres ræd and þurh se Scotte kyng Dauid hire eam."

[4] Ord. Vit. 884 C. She was daughter of Reiner, Marquess of Montferrat. Art de Verifier les Dates, iii. 10, 630; Wace, 15424.

[5] Chron. Petrib. 1127; Ord. Vit. 884 D. The actual murderer was Burchard of Lille.

William, by virtue of their descent from Matilda the wife of the Conqueror, and Theodoric of Elsass, who came in the female line of Robert the Frisian. The King of the French, as over-lord of the fief, at once hastened into Flanders, and put William in possession of the county.[1] This sudden elevation of his nephew called for the King's presence in Normandy.[2] His attempts to win Flanders for himself through his nephew Stephen came to nothing;[3] but it appears incidentally that there were English or Norman adventurers in the camp of William who were looked upon as traitors.[4] War followed between the new Marquess and his competitor Theodoric; but William died in the next year, and the news was brought in a dream to his father in his prison.[5] Theodoric was now confirmed in the possession of Flanders with the good will of the rival Kings. Henry even called on his nephew Stephen, whose county of Boulogne was a Flemish fief, and others of his subjects who held lands in Flanders, to acknowledge the new prince.[6] After this we hear no more of warfare between Henry and Lewis. The death of William had so completely checked the schemes both of the French King and of his Norman allies that Henry could afford to set free his prisoners Waleran of Meulan and Hugh of Montfort.[7] The few remaining years of Henry's reign

CH. XXIII.

William of Clito becomes Count of Flanders. 1127.

Death of William. July 27, 1128.

Theodoric Count of Flanders. 1128.

Pardon of Waleran of Meulan. 1129.

[1] Orderic, 884, 885, describes this expedition of Lewis and William; "Guilelmus ducatum Flandriæ dono regis et hereditario jure obtinuit."

[2] Chron. Petrib. 1128.

[3] This comes from Alberic, 1127, who gives many particulars from various writers.

[4] Mag. Rot. Pipæ, 93. "Agnes de Belfago reddit compotum de xxxx. marcis argenti quia filius suus porrexit ad comitem Flandriæ." See Mr. Hunter's Preface, xix.

[5] The Chronicler, 1128, and Orderic, 885, 886, record his wound, his monastic profession, and his death. So the Continuator of Florence. Orderic, 887 A, tells the story of Robert's dream.

[6] Ord. Vit. 886 C.

[7] The Chronicler, 1129, tells this at some length, and adds, "wurðon þa alswa gode freond swa hi wæron æror feond."

CH. XXIII. were taken up with the domestic quarrels of his daughter and her husband. In the year before his own death Duke Robert died at Cardiff,[1] and Henry remained the only male representative of the Conqueror. He most likely deemed that there could now be nothing to hinder the peaceable carrying out of his own scheme for the succession. But the time was not yet come for England actually to invest a woman with a kingly office. It was acknowledgement enough of the new ideas of sovereignty if the realm which the Great William had won by the sword should pass on to those who came of his blood only by the spindle-side.

Death of Duke Robert. February 3, 1134.

Peace with Scotland.

Reigns of Eadgar, 1097–1107; Alexander, 1107–1124; David, 1124–1153.

Within our own island the reign of Henry the First was a time of most unusual peace on the northern frontier. Under three sons of Malcolm and Margaret, Eadgar, Alexander, and David[2]—three names which well illustrate the strangely eclectic character of Scottish royal nomenclature—Scotland was now passing through one of the most important periods of her history. But it was a time of internal change, sometimes of internal warfare, not a time of enmity between the vassal and the Imperial kingdom. Influences from England, influences partly English, partly Norman, were spreading themselves over Scotland. Eadgar had been set on the throne by his English uncle;[3] Alexander, according to some accounts, was married to a natural daughter of King Henry,[4] and we shall see that he played a part in English ecclesiastical affairs. Under David, above all, the connexion with England became closer, and the internal advance of the kingdom was greater than it had ever been before. But David, the brother of one

[1] Hist. Mon. Gloue. i. 15. See Appendix Z.

[2] See the accounts of these three Kings, and especially of David, in William of Malmesbury, v. 400.

[3] See above, p. 122.

[4] Will. Malms. v. 400. But she is not mentioned in the list of Henry's children in Will. Gem. viii. 29.

Matilda, the uncle of two others, and the husband of a fourth, holding the earldoms of Northampton and Huntingdon through his marriage with the daughter of the martyred Waltheof,[1] acted, as long as Henry lived, not as an enemy of the English Crown, but as its highest and most honoured vassal. And, while such a friendly state of things lasted, it may even be that on neither side was there much inclination to search over minutely into the question whether in each case it was the Earl of Huntingdon, the Earl of Lothian, or the King of Scots, by whom homage was paid and oaths sworn to the succession of the Crown.

CH. XXIII. English connexions of David.

While there thus was peace on the side of Scotland, there was far from being peace on the side of Wales. It will be remembered that the reign of Henry is spoken of as the time when Wales was altogether subdued,[2] and there can be no doubt that his settlement of the industrious and hardy Flemings in Pembrokeshire was a measure which did much to keep the land in subjection. There, in what once was spoken of as Little England beyond Wales, this last Low-Dutch settlement in Britain, the last of the series of which the coming of Hengest was the first, still remains, forming a wholly separate people from their British neighbours, still speaking a form of the tongue once common to Angle, Saxon, and Fleming.[3] The establishment of Norman Bishops in the two South-Welsh sees of Llandaff and Saint David's also marks another stage in the complete subjugation of the British land.[4] The two prelates thus appointed, Urban and Bernard, are often spoken of in the ecclesiastical history of the time,

Affairs of Wales.

Flemish settlement in Pembrokeshire. 1111.

Appointment of Norman Bishops. Urban of Landaff, 1107; Bernard of Saint David's, 1115.

[1] See vol. iv. p. 605; Chron. Petrib. 1124.

[2] See above, p. 107.

[3] See Appendix CC.

[4] Florence (1115) notes especially, in recording the death of the last British Bishop of Saint David's, who however bore the English name of Wilfrith, "Usque ad illum episcopi exstitere Brytonici." See Ann. Camb. in anno.

CH. XXIII. and they were followed in their churches by a succession of prelates who, whatever their nationality, were all of them under the allegiance of the English Crown. The attempt, made in the days of Rufus, to set up a foreign Bishop, Hervey by name, in the far less fully subdued diocese of Bangor was less successful. "Agreeing ill with the Welshmen," as a later writer delicately puts it, he forsook his malecontent flock, and came back to England to be the first Bishop of the great see of Ely.[1]

Hervey Bishop of Bangor, 1092, removes to Ely, 1109–1131.

Relations of Normans and Welsh.

The native Welsh annals of this reign are very full, but it is only now and then that our own writers take any notice of Welsh affairs. It is plain that this was a time, in South Wales at least, of speedy fusion between the Britons and the Norman settlers, though of fusion of quite another kind from that which was going on in England between Normans and Englishmen. There were constant intermarriages between the houses of the Norman lords and the Welsh princes, through which, alongside of more strictly national warfare, the chiefs of each race got entangled in the local and family quarrels of the other. It is characteristic of the time when we find all South Wales thrown into confusion for several years by an outrage which reminds us of the legend of Troy. Among King Henry's many natural children, one, Henry by name, was the son of a Welsh mother, Nest the daughter of Rhys ap Tewdwr.[2] Nest was afterwards the wife of Gerald of Windsor, one of the Norman settlers, who, after the fall

Career of Owen, son of Cadwgan, 1106–1116.

[1] I have borrowed Bishop Godwin's charming version of the words of William of Malmesbury, Gest. Pont. 326; "Herveus dimiserat spe majorum divitiarum sedem, causatus quod sibi et Walensibus vicinis non conveniret." (William seems to have confounded the Flintshire with the Caernarvonshire Bangor.) The Continuator of Florence specially mentions that a later Bishop of Bangor, David, consecrated in 1120, was "electus a principe Griffino, clero et populo Walliæ."

[2] See Appendix BB.

of Arnulf of Montgomery, commanded at Pembroke, and she was carried off thence by force by her kinsman Owen the son of Cadwgan.[1] Both Owen and his father were men of mark enough for their names to find their way into the works of English writers,[2] and the adventures of Owen, his reconciliations with the King and his rebellions against him, his wars with Britons, Normans and Flemings, and his death at the hands of all of them together,[3] fill up a large space in the native annals. CH. XXIII. Death of Owen. 1116.

Such a tale as this is typical of the state of the country, a state combining the evils both of independence and of subjection. But more real historical importance belongs to the planting of the Flemish colony and to the end of the native episcopate in South Wales. Of the endless feuds, both among the Welsh themselves and with the Norman and other invading settlers, a few facts only here and there concern us, chiefly those which English writers have thought worthy of recording. We have seen that Robert of Belesme was helped by Welsh allies whom the King won over to his side.[4] The Welsh writers bitterly complain of King Henry's treatment of Jorwerth the son of Bleddyn, who seems to have been the chief of this party, how he was defrauded of the lands which were promised him, and how he was kept in prison for several years. But from his English over-lord he at Story of Jorwerth the son of Bleddyn. 1101–1112.

[1] The story is told in both Bruts, 1106–1107; it is not mentioned in the Latin Annals.

[2] On Cadwgan, see above, pp. 110, 113.

[3] The career of Owen may be traced, without going into the longer narratives of the Bruts, in the Annales Cambriæ, 1105, 1110, 1111, 1112, 1113, 1116. Under the last year our own Florence records his death, and gives him the kingly title.

[4] See above, p. 173. The entry about this war in the later Brut, 1101, is worth quoting, as showing that the Britons looked on Henry as an English King; "Jorwerth, son of Bleddyn, son of Cynvyn, embraced the party of King Henry in opposition to the Frenchmen ("y troes Jorwerth ab Bleddyn ab Cynfyn yn mhlaid y brenin Harri, ac yn erbyn y Ffrancod").

CH. XXIII. least met only with imprisonment; in the year after his release he was killed by his own nephew.[1] Nearly at the same time a further extension of the Norman or English dominion in Wales was made by the final conquest of Ceredigion by Gilbert Fitz-Richard, or Gilbert of Clare, the first settler in Wales of a house which played so great a part alike in England, Wales, and Ireland.[2]

Settlement of Gilbert of Clare in Cardiganshire 1111.

Twice in his reign Henry thought it needful to march against Wales in person. The first time it is recorded that he returned in peace after the usual precaution of building castles.[3] The second expedition immediately followed his second marriage. The men of Powys had risen, after the death of Earl Richard of Chester in the White Ship and the extinction of the house of their great enemy Earl Hugh. It seems to have been in this march that Henry was struck by an arrow and saved only by the strength of his breast-plate, but whether the shaft was sent by a British enemy or by a traitor in his own army was held doubtful.[4] From this expedition, in which he marched as far as Snowdon, Henry went back successful, having received the submission of the Welsh princes, and taking with him many hostages of the children of the chiefs.[5]

Henry's expeditions into Wales. 1114, 1121.

From this march we may date that subjugation of Wales which is attributed to Henry. The Britons at least never again called for his personal presence, and the remainder

State of Wales in Henry's last years.

[1] See his story in Ann. Camb. 1102, 1103, 1111, 1112.

[2] Ann. Camb. 1111. "Owynus divertens ad Keredigeaun irruptionis fecit in Flandrenses; pro quo Cadugaun pater ejus Keredigeaun amisit, et Gilleberto filio Ricardi traditur." See Mr. Dimock's note to Giraldus, It. Kamb. i. iv., and Will. Gem. viii. 37.

[3] Chron. Petrib. 1114. The Margam Annalist, 1113, here draws a distinction of rank between two Welsh princes; "Rex Angliæ Henricus collecto immenso exercitu e diversis Britanniæ partibus, ad Walliam properavit, ut contra Grifinum Gwinedotum *regem* et Owein Powisorum *regulum* pugnaret."

[4] Will. Malms. v. 401.

[5] See Chron. Petrib. and Sim. Dun. 1121, where the submission is strongly asserted.

of their annals down to Henry's death is taken up with records of their strifes amongst themselves, chiefly taking the form of slaughter and mutilation inflicted by kinsman upon kinsman.[1] The general result of Henry's reign as regards Wales may be given in the words of a British writer, who is complaining of the unwise doings of a certain Cedivor, son of Goronwy; "And none could be more mischievous than that Cedivor to the country in general, before he left Dyved as he did, full of various nations, such as Flemings and French and Saxons, and his own native tribe; who, though they were one nation with the men of Ceredigion, nevertheless had hostile hearts, on account of their disquietude and discord formerly; and more than that, being in fear of offending King Henry, the man who had subdued all the sovereigns of the isle of Britain by his power and authority, and who had subjugated many countries beyond sea under his rule, some by force and arms, others by innumerable gifts of gold and silver; the man with whom no one could strive but God alone, from whom he obtained the power."[2] CH. XXIII.

With Ireland the relations of Henry seem to have been peaceful. The Irish Kings are described as looking up to the King of England with great reverence, though we get a vague hint that their friendship was not absolutely unbroken.[3] It is more certain that, as under the two Williams, so under Henry, the ecclesiastical connexion went on, and at least one Irish Bishop, Gregory of Dublin, was Relations of Henry with Ireland,

[1] See especially the later Brut, 1122-1126.

[2] Brut y Tywysogion, 1113. I follow the translation in the Chronicles and Memorials. The account in Orderic (900 A) of a great general movement in Wales just before Henry's death, which he wished to come back from Normandy to avenge, reads like a confusion with the disturbances which followed his death.

[3] See Will. Malms. v. 409. Both the Chronicon Scotorum and the Annals of Loch Cé record the death of Henry. In the latter he appears as "Hanrico mac Willilim ri Franc ocus Saxan ocus Bretan."

CH. XXIII. with Orkney,

consecrated in England.[1] We hear also of the friendship between Henry and Paul Earl of the Orkneys, though the homage of that prince was due, not to England, but to Norway, a friendship shown chiefly, it would seem, by gifts to Henry's zoological collection at Woodstock.[2] Here again the connexion takes an ecclesiastical form, and the Bishop of Orkney, more strictly a suffragan of Trondhjem, is seen acting as a suffragan of York.[3] In short there can be no doubt that, through the whole isle of Britain and the neighbouring lands, the fame and power of Henry surpassed that of any King that had gone before him. It was more than the reign of Eadgar the Peaceful come again.

Peace of England under Henry.

The reign of Henry, as far as the internal affairs of England are concerned, is, except in ecclesiastical matters, little more than a blank. Of a reign in which, after its first three years, the land saw neither domestic revolt nor foreign invasion, there is no really connected narrative to tell. Setting aside ecclesiastical and foreign affairs, our Chroniclers have nothing to tell us beyond the frequent complaints of the King's exactions of money,[4] a few notices of his strict justice, degenerating sometimes perhaps into injustice,[5] and a crowd of notices of the weather, the crops, and natural phænomena of all kinds.[6] Of single events of this kind by far the most remarkable is the heavy punishment of the false moneyers, which I have already referred to as illustrating the character of

[1] See Gervase, 1660, and more fully Cont. Flor. 1121. See vol. iv. p. 529.

[2] Will. Malms. v. 409.

[3] See Eadmer, 97.

[4] Chron. Petrib. 1104, 1105, 1110, 1116, 1117, 1118, 1124, 1128.

[5] See above, p. 159.

[6] Chron. Petrib. 1104, 1106, 1107, 1110, 1111, 1112, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1124, 1125, 1127, 1131. See Mr. Earle's note, Parallel Chronicles, p. 363.

the King.[1] Henry's castle-building on the Welsh frontier has been already spoken of, and we have seen that, peaceful as things were on the side of Scotland, he thought it needful to add strength to the city which his brother had called into being on the northern frontier. At the time when he was, as has been already noticed,[2] at York, where he, as a King who was ready to do justice in person, found much to do with the affairs of the city and of northern England generally, he visited Carlisle, and gave orders for further defending the city with walls and towers.[3] The new fortress had just become an immediate possession of the Crown, by the transfer of its Earl Ralph Meschines to the earldom of Chester, left void by the fate of the White Ship.

CH. XXIII. Henry strengthens Carlisle. 1112.

In ecclesiastical affairs, on the other hand, the reign of Henry holds a most important place, especially as a link between the past reigns of his father and brother and the coming reign of his grandson. It is a time of struggle between the Old-English notions which, as suiting their own interest, the Norman Kings were as zealous to defend as their English predecessors, and the new-fangled notions which, as an unavoidable result of the Conquest, were fast coming in from Rome. It was a time of dispute about the right of investitures and about the marriage of the clergy, two points on both of which the ancient customs of England had more or less fully to yield to Roman innovations. It was a time in which the connexion

Ecclesiastical policy of Henry.

Struggle with the new notions of Papal power.

[1] See above, p. 159.

[2] See above, p. 161.

[3] Sim. Dun. 1122. "Hoc anno rex Henricus, post festum Sancti Michaelis Northymbranas intrans regiones, ab Eboraco divertit versus mare occidentale, consideraturus civitatem antiquam quæ lingua Brittonum Cairlel dicitur, quæ nunc Carleol Anglice, Latine vero Lugubalia appellatur, quam data pecunia castello et turribus præcepit muniri. Hinc rediens Eboracum, post graves civium et comprovincialium implacitationes, reversus est Suthymbriam."

CH. XXIII. New European position of England.

with Rome and the authority of Rome was strengthened in every way. This is a most speaking sign of the way in which the island Empire was being drawn into the general political system of Western Europe, and of the way in which the political system of Western Europe was fast coming to look to the Bishop of Rome as its centre. The change must have been unavoidable, when it pressed on with such strides as it did in the reign of a prince like Henry, than whom none was less inclined to give up any of the rights of his crown and kingdom. Henry was surrounded, and for the most part supported, by Bishops of his own or his brother's choosing. They had mostly been promoted to ecclesiastical office from the temporal service of the King; they were able statesmen, often magnificent builders, who left behind them, some on the whole a good, some on the whole a bad, memory in their dioceses; but none of them could lay any claim to the character of saints.[1]

Bishops appointed for temporal services.

Randolf Flambard at Durham. 1099–1128.

Randolf Flambard, imprisoned at the beginning of Henry's reign at the common demand of the whole nation, contrived afterwards to make his peace with Henry, and lived on, engaged in rearing the nave of Saint Cuthberht's minster, till a late stage of Henry's reign.[2] Another prelate whom Henry had inherited from his brother was Robert Bloet, Bishop of Lincoln;[3] of his own promoting was the more famous Roger of Salisbury. Raised by Henry from the lowest rank of the priesthood, he appears as the chief adviser of the Ætheling in his lowlier days; he appears no

Robert Bloet, Bishop of Lincoln. 1094–1123.

Roger, Bishop of Salisbury. 1107–1139.

[1] The bad side of Henry's ecclesiastical reign, especially the secularity of the prelates, is set forth in the Gesta Stephani, 16.

[2] The imprisonment and escape of Randolf Flambard are recorded by the Chronicler and Florence, 1100, 1101; Ord. Vit. 786, 787; Will. Malms. Gesta Regum, v. 393 (see above, p. 168), 394; Hen. Hunt. 217, who says emphatically, "quem rex Henricus posuerat in vinculis, consilio gentis Anglorum."

[3] See his character in Will. Malms. Gest. Pont. 313; Hen. Hunt. De Contemptu Mundi, 694. His remarkable death, which they both record, is told still more graphically by the Chronicler, 1123.

less, first as Chancellor, then as Justiciar, as the chief counsellor of the King. That post he holds at first in a kind of partnership with Count Robert of Meulan, and after Robert's death he keeps his influence unbroken, and seemingly shared by no other rival, till the end of Henry's reign.[1] Founder of the episcopal castles of Sherborne and the Devizes, he was the greatest builder of his day, both in military and in ecclesiastical works.[2] His architectural tastes were shared by his nephew Alexander, who succeeded Robert Bloet [3] at Lincoln, and by William of Warelwast, who figures as the agent both of Rufus and of Henry in the dispute with Anselm. He succeeded the Norman-born but English-minded Osbern [4] in the chair of Exeter, and his memory still lives in the twin minster towers of the capital of the West. All these prelates fill no small place in the history of the time, and they all illustrate the law by which men brought from beyond sea were preferred to high ecclesiastical offices, rather than the natives of the land, whether of English or Norman descent.[5] Their prominence also makes us see that there was a good as well as a bad side even to the incroachments of Rome. The powers which had been exercised by the native Kings without damage to the purity of the Church were now abused, not only to the promotion of strangers, but to the general secularizing of

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Alexander, Bishop of Lincoln. 1123–1148.

William of Warelwast, Bishop of Exeter. 1107–1136.

The Prelates of this time mostly foreigners.

Bad side of the royal supremacy.

[1] On Roger of Salisbury and his greatness, see Will. Malms. Gest. Regg. v. 408; Ord. Vit. 904 D, 919 C; Hen. Hunt. 219; De Contemptu Mundi, 700; Gest. Steph. 46, 62; Will. Neub. i. 6 (who tells the well-known story of the way in which he first recommended himself to Henry); John of Hexham, 266; Stubbs, Constitutional History, 349 et seq. All these writers speak of Roger as set over the whole kingdom, and more than one of them uses the special phrase "secundus a rege."

[2] Of the place of Roger in the history of architecture I shall have to speak in a later Chapter.

[3] Henry of Huntingdon gives us the panegyric of Alexander in prose in the De Contemptu Mundi, 700, and in his History he sings his praises in several hexameters.

[4] See vol. iv. p. 378.

[5] See above, p. 151, and Appendix W.

CH. XXIII. the spiritual order.[1] From this point of view we can better understand how a man like Anselm could appear, not only as the servant of Rome, but as the enemy of the ancient laws and liberties of England.

The dispute with Anselm.

In the early part of this reign, alongside of the conquest of Normandy, the chief place is again filled by the holy Primate, his disputes with the King, their reconciliation, and Anselm's attempted reforms. In this, as in many other matters, the early part of the reign of Henry the First reads at first sight like the reign of William Rufus over again. But it is only in the bare outline that the two stories are like one another; and, if we must compare the ecclesiastical disputes of the reign of Henry the First with those of the reign of Rufus, we must compare them also with the ecclesiastical disputes of the reign of Henry the Second. A dispute between Rufus and Anselm and a dispute between Henry and Anselm were two widely different things. And we may add that, if Anselm the natural saint was a less provoking adversary than Thomas the artificial saint, Anselm had to deal in Henry the First with a sovereign who better understood the rights of his own case than Thomas had to deal with in Henry the Second. Henry acts throughout with that calmness and caution which were leading features in his character. He never allows himself to be hurried into undignified reproaches, into groundless accusations, into acts of petty malignity such as are to be found in the conduct both of William Rufus and of Henry the Second. He marches also directly to his point. He lays down a principle, and he keeps to it. He never allows himself, for the sake of any momentary advantage, to fall into a position inconsistent with his general principle. And, when at last he yields part of his claims, he yields frankly and for ever. In his con-

Comparison of Henry the First with William Rufus and with Henry the Second.

Firmness and consistency of Henry.

[1] See vol. iv. p. 459.

troversy with Anselm he cannot be charged with breach of faith, though, at more than one stage of his reign, he is open, like his brother, to the charge of keeping bishopricks vacant that he might enjoy their revenues. In short, Henry the First, whatever may have been his personal belief on such matters, was far too wary a statesman to show himself to the world either as a scoffer and blasphemer like Rufus, or as one who, like Henry the Second, might be hurried by momentary passion, either into acts unworthy of his character or into admissions inconsistent with his position. In the case of Henry the First, that position is throughout a simple one, and one with which no Englishman ought to quarrel. He would maintain the rights of the Crown of England as he received them. Like his father, he would do what the Kings before him had done; what the Kings before him had not done he would not do. The English-born Henry, born within Tostig's earldom, could speak as firmly, though with a milder voice, as Tostig had spoken to Pope Nicolas.[1] And yet if, as Englishmen, we go along with Henry in defending the rights of England, yet, as men, we cannot help yielding our sympathies to the holy man with whom he strove. In striving with Henry, Anselm had not to wage that mere strife of good against evil which he had to wage in striving against Rufus. But the strife was with him none the less a simple work of duty. It was a work of duty in the strictest sense; it is plain that his own personal opinion or interest had no share in the matter. Rome had spoken, and Anselm obeyed. And when he so obeyed, the blame rests less with him than with that policy of the Conqueror which had taught men that, when Rome spoke, men should obey. The question between Henry and Anselm was in no sense a question of eternal right and wrong;

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His English position.

Position of Anselm.

True character of the dispute.

[1] See vol. ii. p. 458.

CH. XXIII. it was a question between the law of England and the innovations of Rome. Henry's first act, as we have seen,[1] was to recall Anselm. He next called on him to do homage and to receive the restitution of the archiepiscopal estates at his hands.[2] Presently he called upon him to consecrate the Bishops whom he had invested according to that ancient form in which Anselm himself had been invested by Rufus. Anselm refused both demands. In the days of Rufus he had felt no scruple about doing homage to the King, about receiving the staff from his hands, or about consecrating those who had received it in the same fashion.[3] Nor does he now show any sign that these ancient customs of England were in any way offensive to himself. But, during Anselm's journeys on the continent, those customs had been condemned in the Lateran Council in which he himself had been present.[4] And, with that condemnation in his ears, to have obeyed the law of the land would have been to obey man rather than God. It is the controversy on these points which forms the ecclesiastical side of our history for the first seven years of the reign of Henry.

Recall of Anselm. 1100.

He refuses to do homage and to consecrate the Bishops invested by the King.

Change in Anselm's views.

No personal breach

It is a marked contrast between the controversy as carried on by Rufus and as carried on by Henry, that,

[1] See above, p. 168.

[2] Eadmer, 56. "Postulatus est pro consuetudine antecessorum suorum regi hominium facere et archiepiscopatum de manu ejus recipere." Sir Francis Palgrave (iv. 708) and Dean Church (Anselm, 254) seem to look on this demand as something unprecedented, something like the new commissions which the Bishops were made to take out on the accession of Edward the Sixth. But Eadmer does not seem to mark it as anything strange, and it surely means no more than that, as the estates of the see (archiepiscopatus) were actually in the King's hands, Anselm was to receive them from him. So below (61); "Exegit ab eo ut aut homo suus fieret, et eos quibus episcopatus vel abbatias se daturum dicebat pro more antecessorum suorum consecraret, aut terram suam sine retractatione et festinanter exiret." This harsher form of the demand is oddly said to have been made by the advice of Duke Robert.

[3] See above, p. 137.

[4] See above, p. 146.

in its first stage at least, it involved no personal breach between the King and the Primate. While the question was still pending, Henry restored the temporalities of the see,[1] Anselm heard the case of Eadgyth-Matilda, and officiated at her marriage and coronation.[2] And to his loyalty it was largely owing that Henry kept his crown in the struggle with Robert.[3] And, during the same stage of the dispute, Anselm, by the King's licence, held a synod of the realm in the church of Westminster.[4] In that synod, though strictly an ecclesiastical synod, the great men of the realm generally were, at Anselm's special request, summoned to appear and to take their part in its decrees.[5] So little was Anselm, when he was left to himself, inclined to find any fault with the old doctrine of England which the Conqueror had set aside, that the English Church and the English nation were one body, and that the assemblies which dealt with temporal affairs should deal with ecclesiastical affairs also.[6] Anselm throughout strives, not for forms or for privileges, but for righteousness; only in his view it was part of righteousness to yield implicit obedience to a power that he had learned to look on as higher

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between Henry and Anselm.

Action of Anselm during the dispute.

Synod of Westminster. 1102.

Appearance of laymen at Anselm's request.

[1] Eadmer, 56. [2] See above, p. 169. [3] See above, p. 171.

[4] The synod is recorded by the Chronicler, 1102, who draws the same sort of distinction as in 1085 (see vol. iv. pp. 393, 690); "Ða þærafter to sċe Michaeles mæssan wæs se cyng æt Wæstmynstre and ealle þa hæfod men on þis lande, gehadode and læwede, and se arcebiscop Anselm heold gehadodra manna sinoð and hi þær manega beboda setton þe to Xpendome belimpaþ." The Council is also recorded by Florence, who mentions that it was in this meeting that Roger of Salisbury and the other Roger of Hereford were invested with their staves. See also Hen. Hunt. and Sim. Dun. 1102.

[5] Eadmer, 67. The council was held "ipso [Henrico] annuente," and it is added, "Huic conventui affecerunt, Anselmo archiepiscopo petente a rege, primates regni, quatenus quicquid ejusdem concilii auctoritate decerneretur utriusque ordinis concordi cura et sollicitudine ratum servaretur." I suppose that the less carefully measured words of the Chronicler do not exclude this.

[6] See vol. i. p. 405.

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than his own and that of his sovereign. In the decrees too of the Council we see the spirit of the man who filled its chief place. The canons of Anselm's synod, the canons to which he would have the laity as well as the clergy of the land give their consent, did not deal wholly with matters of ecclesiastical discipline or ceremony. A new step indeed was taken in the course of the long warfare against clerical marriages. The legislation of Lanfranc on this matter had fallen very far short of what the zeal of Hildebrand had called for. Marriage was wholly forbidden to members of capitular and collegiate bodies; they were at once to part with their wives. For the rest it was simply decreed that they should not marry for the future, and that no married men should be ordained.[1] We may be sure that these orders had not been at all strictly carried out during the reign of the Red King. But now Anselm was, after so many years of laxity, holding his synod, and holding it after he had just come back from a share in those foreign Councils in which the marriage of a priest had been denounced as a crime no less heavy than his investiture by a layman. And it is further plain that the compromise made by Lanfranc could never satisfy those with whom the Hildebrandine doctrine was a matter of principle. It would amount, in the eyes of Anselm and of those who thought as he did, to a toleration of sin. One of the acts of this synod then was to enforce the new rule in all its fulness on the whole body of the English clergy. Marriage was utterly forbidden to all churchmen of the rank of sub-deacon and upwards.[2] The new legislation met with much resistance, and one of our informants, himself the son of a priest, tells us that the

Decrees of the Synod.

Marriage of the clergy more strictly forbidden.

Effects of the compromise under Lanfranc.

First complete prohibition in England.

Resistance to the new rule.

[1] See vol. iv. p. 424.

[2] Eadmer, 67. The only shadow of relaxation seems to be in the case of sub-deacons who were not canons. All deacons and priests must part from their wives, and the mass of the married priest was not to be heard.

newly devised rigour only led to laxity of a worse kind than any which it was intended to stop.[1] But, at any rate, it was now that the rule of celibacy became for the first time the universal law of the English Church. Anselm's Council at Westminster thus marks an æra in our ecclesiastical history.

Decrees as to the behaviour of the clergy.

A number of other decrees which were passed in this synod had reference only to the duties and behaviour of the clergy, among which we find more than one forbidding spiritual persons to discharge temporal duties or to hold temporal offices.[2] This last canon was one which was very far from being put into execution in those days, but it would seem to be a natural inference from the separation of the two powers brought in by the Great William. But two of the decrees are of a distinctly moral kind. One was aimed at the prevailing vice of the late reign. It denounced against all sinners of that class, whether clerks or laymen, the loss of all rights and powers belonging to their several orders.[3] Another has a yet higher interest; it denounces "the wicked merchandize by which men were still used to be sold in England like brute beasts."[4] A successor of Kings and Bishops, down to William and Wulfstan, had done their best to put down

Moral decrees.

The slave-trade denounced.

[1] See Sim. Dun. and Hen. Hunt. 1102 (217). Compare the complaints of the German clergy, vol. iv. p. 424. The prevalence of clerical marriages in England comes out very remarkably in Paschal's letter to Anselm in Eadmer, 91; "De presbyterorum filiis quid in Romana ecclesia constitutum sit fraternitatem tuam nescire non credimus. Ceterum quia in Anglorum regno tanta hujusmodi plenitudo est ut major pene et melior clericorum pars in hâc specie censeatur, nos dispensationem hanc solicitudini tuæ committimus." One of the canons of the present Council is, "Ut filii presbyterorum non sint hæredes ecclesiarum patrum suorum." On the observance of the decrees of the Council in this and other respects compare the letters in Eadmer, 77, 81.

[2] Eadmer, 67. "Statutum est, ne episcopi sæcularium placitorum officium suscipiant . . . ne quilibet clerici sint sæcularium præpositi vel procuratores, aut judices sanguinis."

[3] The punishment of the laity is, "Ut in toto regno Angliæ, legali suæ conditionis dignitate privetur."

[4] Eadmer, 68. "Ne quis illud nefarium negotium quo hactenus homines

CH. XXIII. the foreign slave-trade. But the words of this canon would seem to apply, not to the foreign slave-trade only, but to all selling of human beings, perhaps to the existence of slavery altogether. In the same synod several Abbots were deposed for simony or other causes. The native Chronicler remarks that they were both French and English,[1] and among them we find the distinctly English names of Ealdwine of Ramsey, Godric of Peterborough, and Æthelric of Middleton. When we find Englishmen holding these great abeys at a time when there was not in England a single Bishop of English birth, we see the distinction which was drawn in this matter between the highest and the second class of spiritual preferments. We see also that, in the days of Rufus, the gold of an Englishman was as freely received as the gold of a Frenchman. But it does strike us as strange, if we can believe the account of a local writer which represents Godric of Peterborough, the successor of the terrible Turold, not only as an Englishman, which his name is enough to prove, but as a brother of that Abbot Brand who, thirty-two years before, had brought the wrath of the Conqueror on his house by seeking investiture at the hands of the Ætheling Eadgar.[2]

Deposition of Abbots.

English Abbots under Rufus.

Godric of Peterborough. 1098–1102.

in Anglia solebant velut bruta animalia venundari, deinceps ullatenus facere præsumat."

[1] Chron. Petrib. 1102. "And ægðer manige Frencisce and Englisce þær heora stafas and rice forluron, þe hi mid unrihte begeaton, oððe mid woge þæron lifedon." So Florence, Simeon, and Henry of Huntingdon.

[2] On Godric see the local historians, John of Peterborough under 1098, and Hugo Candidus, 64. Hugh speaks of Godric as the brother of Brand (see vol. iii. p. 530), and says that he had been "antea electus ad archiepiscopatum in Britanniâ minori," which one would think must mean the see of Dol. Godric is said to have been chosen abbot against his will, and the simony, if any, was less on his part than that of the monks, who gave the King three hundred marks to be allowed to choose freely. Stories of the same kind with regard to the abbey of Saint Augustine's and the bishoprick of London will be found in the Historia Pontificalis, Pertz, xx. 544, 545. Ealdwine of Ramsey was afterwards restored; see Eadmer, 92; Florence, 1103; and Hen. Hunt. De Contemptu Mundi, 701. I do not know that anything special is recorded of Æthelric.

The decrees of the Council were passed; excommunication was to be pronounced every Sunday against those who transgressed them; but the number of transgressors in all ranks was soon found to be so great that it was deemed expedient to dispense with the weekly anathema. CH. XXIII. Excommunication of offenders.

The holding of this synod by Anselm, while the points at issue between him and the King were still unsettled, marks the contrast between the conduct of Henry and the conduct of Rufus, who would never let Anselm hold a synod at all. Meanwhile the controversy went on; embassies went to and fro between England and Rome, and disputes arose as to the real meaning of Pope Paschal's answers.[1] Meanwhile Henry was appointing and investing Bishops, the famous Roger of Salisbury among them, and calling in vain on Anselm to consecrate them.[2] Archbishop Gerard of York was ready to consecrate anybody; but either scruples as to the form of investiture or loyalty to the Kentish metropolis began to work on the minds of the men whom Henry was anxious to promote. The Bishop-elect of Hereford, Reinhelm, gave back to the King the staff which he had received from his hand, and William Giffard, whose appointment to the see of Winchester had been the very first act of Henry's reign, now suffered banishment and spoiling of his goods rather than receive a wrongful consecration at the hands of Gerard.[3] There is no sign of compromise on either side. Henry laid down the simple rule that he would stick to the rights of his predecessors; he even went so far as to ask what the Pope had to do with the matter.[4] Anselm

Disputes as to the consecration of the King's nominees.

Banishment of William Giffard.

Position of the King and the Primate.

[1] The story is told at length by Eadmer, 58-70, who is followed by William of Malmesbury, v. 413 et seqq., and more fully Gest. Pont. 106 et seqq.

[2] Eadmer, 66, 69.

[3] Chron. Petrib. and Florence, 1103, and more fully in Eadmer, 69. See also the remarks of Dean Church, Anselm, 265, 266.

[4] Eadmer, 70. "Quid mihi de meis cum papa? quæ antecessores mei hoc in regno possiderunt, mea sunt." William Rufus, according to Matthew

CH. XXIII. laid down a rule no less simple, that he would rather lose his life than disobey the orders which he had himself heard laid down in the Council at Rome.[1] Threats may have been used on the King's side; but it is certain that, when Anselm left England, it was not as a banished man, but as one who went with the King's full licence.[2] Nothing that could strictly be called personally hostile happened between King and Primate till, at a somewhat later stage of the dispute, the archiepiscopal estates were seized into the King's hands.[3] This step was taken when it was found that nothing had come of an embassy sent by the King to Rome.[4] Friendly letters however still passed between Henry and Anselm, and at last Henry, now engaged in the conquest of Normandy, and Anselm, on his way back to England, met at Bec.[5] The results of their conference came out in a legal form in the next year. In another Council at Westminster the whole matter was settled by the King and the Pope each withdrawing part of his claims. Paschal agreed

Anselm leaves England. 1103.

His estates seized into the King's hands.

His return. 1106.

Paris (Hist. Ang. i. 50), had taken a ground which was practically the same; "Asseruit etiam rex W[illelmus] constanter, quod post conversionem ad fidem Christianam, tot et tantas in regno suo Angliæ obtinuit libertates, quot imperator in imperio. Quid papæ de vel imperii vel regni laicis libertatibus, cui pertinet tantum de animarum salute sollicitari?"

[1] Eadmer, 70. Anselm will not yield "pro redemptione capitis sui."

[2] Chron. Petrib. 1103. "þærefter ferde se arcebisceop Ansealm of Cantwarbyrig to Rome, swa swa him and þam cynge gewearð." Florence translates, but at the same time enlarges and colours; "Anselmus archiepiscopus, post multas injurias et diversas contumelias quas passus est rogatus a rege perrexit Romam v. Kal. Maii sicut ei et regi convenit." See the story at length in Eadmer, 70. The Margam Annalist (1103) gives a strange account of Anselm's journey, and takes the opportunity to declaim against the laws of England. He goes on to say, with but little truth, that these same questions were the cause of the former dispute between Anselm and William Rufus and of the later dispute between Thomas and Henry the Second.

[3] Eadmer, 76, where the King's just dealing with the archiepiscopal tenants is recorded.

[4] For the mission of William of Warelwast, see Eadmer, 72-76.

[5] Eadmer, 89; Florence, 1106.

that the prelates should do homage to the King, and Henry, notwithstanding some counsellors who exhorted him to cleave to all the rights of his father and his brother, agreed to give up his claim to invest ecclesiastical persons with the ring and the staff.[1] There was much to be said for such a compromise, and it was at least far more favourable to the papal claims than the humiliating concessions which four years later Paschal had to make to Henry's Imperial son-in-law.[2] The King gave up what might be construed into a claim to confer the actual spiritual office, while the temporal allegiance of the prelates was secured by their becoming the men of the King. The vacant bishopricks were now filled with pastors; never, it was said, were so many bishops consecrated at once since the old times of Eadward the Elder, when Archbishop Plegmund consecrated seven bishops in a day.[3]

CH. XXIII. Compromise between Henry and Paschal. 1107.

Great consecration of Bishops.

Anselm survived the settlement for two years. He appears as Henry's counsellor in his measures for putting down the outrages of his followers and the false dealings of the moneyers.[4] And he had also to plead for the priests out of whom the King had wrung money after so strange a fashion.[5] Anselm had moreover to hold yet another

Later days of Anselm. His death. 1109.

[1] See Eadmer (91), who is copied by Florence (1107). So Will. Malms. v. 417; "Investituram annuli et baculi indulsit in perpetuum, retento tantum electionis et regalium privilegio."

[2] Our historians are specially full on the matters between Paschal and Henry the Fifth. See Will. Malms. v. 420 et seq.; Flor. Wig. 1111.

[3] The Chronicler takes no notice of the synod, except to record the filling up of the vacant bishopricks and abbeys both in England and Normandy. Florence adds the comparison with Plegmund. It is now that the Chronicler (1107) gives the remarkable note of time; "Dis wæs rihtlice ymbe vii gear þæs þe se cyng Henri cynedomes onfeng, and wæs þæt an and fowertigeðe gear þæs þe Francan þises landes weoldan." This way of dating seems less in place here than when Henry of Huntingdon (218) dates Henry's victory over Lewis (see above, p. 188) as won "quinquagesimo secundo anno ex quo Normanni Angliam obtinuerunt."

[4] See above, p. 159. Eadmer (94) distinctly mentions the share of Anselm in this matter.

[5] See above, p. 162.

CH. XXIII. synod, in order further to enforce the decrees of the former one against clerical marriages. He had too the satisfaction, for even to him it doubtless was a satisfaction, of receiving a full profession of obedience from Archbishop Gerard of York.[1] His last act however was a denunciation against Gerard's stiff-necked successor in the northern metropolis, Thomas, a kinsman of his renowned namesake Thomas of Bayeux.[2] The days that Anselm had spent in actual possession of his church had been few, and most of them had been evil. Yet he found means to be one of the chief benefactors of its material fabric. The extension of the eastern limb of Christ Church—the work of Lanfranc now seemed too small—was one in which the name of Anselm stands coupled with the names of his Priors Conrad and Ernulf.[3] And one of the twin towers which form a special feature of this part of the metropolitan church still bears the name of Anselm, a name already canonized by the voice of the English people, though it was not till ages after that the title of Saint was formally bestowed on him by that Rome which he had served so well.[4]

Thomas the Second of York. 1109–1114.

Buildings of Anselm.

His canonization by Alexander the Sixth.

The ecclesiastical aspect of the reign of the first Henry

[1] See Eadmer, 91; Gervase, 1659; but T. Stubbs (1710) has altogether another story; Gerard would not even take a seat in the Council unless his seat was made equal to that of Anselm.

[2] See the whole controversy in Eadmer, 97 et seqq., who (100) speaks of Thomas as being "prohibitus a canonicis suis." See the other side in T. Stubbs, 1711, 1712. William of Newburgh (i. 3), who draws a very black portrait of Gerard, has nothing but good to say of Thomas. He describes his death by a singular kind of martyrdom.

[3] See the account of the building, Eadmer, 108; Gervase, 1294; Willis, Canterbury, 17, 72. This is the building which was consecrated in 1130. See T. Wykes in anno.

[4] The bull of Alexander the Third about the canonization of Anselm, which came to nothing, will be found in Anglia Sacra, ii. 177. It seems to have been under the sixth Pope of that name that Anselm, in the words of Dean Church (301), "suffered the indignity of a canonization at the hands of Borgia."

is further distinguished by a feature which distinguishes it from all later reigns till we come to that of the last, namely an increase in the number of English bishopricks. Under Eadward the number of bishopricks had been lessened;[1] under the two Williams several bishopricks had changed their places,[2] but no change was made in their number. Under Henry we see, for the first time since Eadward the Elder, an English diocese divided, on the express ground that it was too large for the pastoral care of a single Bishop. The great abbey of Ely became an episcopal church, under Hervey, the Bishop who had agreed so ill with the Welshmen,[3] and who found in the Fenland a shelter at once safer and richer than his former seat by the shores of the Menai. Part of the diocese of Lincoln was detached to form a diocese for the new Bishop; and Ely, with its unrivalled minster, its great temporal wealth, its temporal powers second only to those of the Palatine lords of Durham, became one of the greatest among the bishopricks of England.[4] This division of a diocese on the express ground of the spiritual welfare of its inhabitants was quite in accordance with Old-English precedent; but it ran counter to the feudalizing notions of the time. A bishoprick, like a kingdom, was coming to be looked on as a property rather than an office; jurisdiction, and the temporal profits of jurisdiction, were beginning to be more thought of than the strictly pastoral work of a Wulfstan or an Anselm. To many Bishops of those days a proposal to divide their dioceses would have sounded much as a proposal to divide his dominions would sound to a temporal prince. The first division of the vast Mid-English diocese was largely the work of Anselm, and it was a work so

CH. XXIII.

Foundation of the see of Ely. Hervey first Bishop. 1109–1131.

New aspect of the division of dioceses.

Share of Anselm in the change.

[1] See vol. ii. pp. 82, 406. [2] See vol. iv. p. 414 et seqq. [3] See above, p. 210.

[4] On the foundation of the see of Ely, see Eadmer, 95; Florence, 1109; Will. Malms. v. 445; and Gest. Pont. 325. Its wealth is noticed along with that of Lincoln ("quibus opulentiores nescio si habeat Anglia"). Hist. Nov. ii. 32.

CH. XXIII.

worthy of him that one almost wonders that it was not then, instead of more than four hundred years later, that the work was carried further. The diocese of Lincoln still remained the greatest in England; it still stretched from the Thames to the Humber; nine shires still looked to their spiritual centre on the hill for which the elder Dorchester had been refused, to the temple built on high, with its foundations like the ground that is established for ever.[1] But, if we give credit to Anselm for this reform, we must give credit to Henry also, who, long after Anselm's death, added yet another to the roll of English bishoprics. This was by the creation of the new see of Carlisle, in the land which the late King had conquered, and in the city which both the late and the present King had taken such pains to strengthen.[2] The ecclesiastical allegiance of the new English possession of Cumberland had been as doubtful and fluctuating as its political allegiance. York, Durham, Glasgow, and the defunct see of Hexham, all had or had had rights or claims over it. Henry decided in favour of York;[3] but he afterwards settled the matter in a yet more satisfactory way by making the newly-won province a separate diocese, and the newly-won city an episcopal see. In that land even William Rufus had planted English colonists;[4] and, now that the un-English influence of Robert of Meulan had passed away, Henry did not scruple to give the spiritual care of the last-won possession of the English Crown, the last-planted settlement of the English people, to a prelate whose name of Æthelwulf is sure proof of his English birth.[5]

Foundation of the see of Carlisle.

Æthelwulf first Bishop. 1133–1156.

[1] Psalm lxxviii. 67–69.

[2] See above, pp. 118, 161.

[3] See the passages collected by Mr. Haddan in the Councils and Ecclesiastical Documents, ii. 12.

[4] See above, p. 119.

[5] The passages bearing on the foundation of the see of Carlisle and the opposition on the part of Glasgow are collected by Mr. Haddan, ii. 26, 31, 34. Æthelwulf died in 1156, and the see then lay vacant till 1219. Æthelwulf, according to Matthew Paris (Hist. Ang. i. 245), was Henry's own confessor; "cui peccata solitus fuerat confiteri."

CH. XXIII.

Introduction of the Cistercian Order into England.

While the reign of Henry was thus marked by the creation of two English bishopricks, one of them among the greatest of their number, it receives a more special character in ecclesiastical history from its being the time when a new monastic order arose, an order which has, more than any other, impressed its memory upon the scenery and upon the popular mind of England. Zealous prelates had displaced the secular canons from their churches to make room for the more austere Benedictines. But the rule of Saint Benedict, at least as it was practised in their own times, seemed not austere enough for some of his votaries. We have seen under the Conqueror two movements in different directions, the introduction of the Cluniacs[1] as a step in favour of strictness, and the introduction of the Austin canons[2] as a step towards something intermediate between the regular and the secular life. But in the early days of Henry the famous order of Citeaux had its beginnings in foreign lands, and, before his reign had ended, it had made its way into the land from whence its founder sprang. An historian of mingled blood feels his English patriotism stir within him as he tells how it was a countryman of his own who had found out the way which in his day was deemed the surest path to heaven.[3] Harding or Stephen,[4] an Englishman by birth and blood, a monk first at Sherborne and afterwards at Molesmes in the diocese of

Harding or Stephen, Abbot of Citeaux. 1109.

[1] See vol. iv. p. 500.

[2] See vol. iv. p. 363.

[3] Will. Malms. iv. 334. "Ejus diebus [Willelmi Rufi] religio Cistellensis cœpit, quæ nunc optima via summi in cœlum processûs et creditur et dicitur. De qua hic loqui suscepti operis non videtur esse contrarium, quod ad Angliæ gloriam pertineat, quæ talem virum produxerit qui hujusce religionis fuerit et auctor et mediator. Noster ille, et nostra puer in palæstra primi ævi tirocinium cucurrit."

[4] Harding was doubtless his baptismal name, and Stephen the name which he took on entering religion, just as Orderic became Vital. So Will. Malms. u. s.; "Is fuit Hardingus nomine, apud Anglos non ita reconditis natalibus procreatus." In the next chapter he is "Hardingus, qui et Stephanus."

CH. XXIII. Langres, had joined his Abbot Robert in leaving the last-named house to seek for a higher degree of perfection in the new house of Citeaux, soon to become so much more famous than its parent. Of Citeaux Harding was the third Abbot; he became the true founder of the order which bore the name of the house, and he had the honour of receiving within its walls the man who raised the Cistercian name to the highest pitch of glory.[1] From Citeaux to Clairvaux went forth the holy Bernard, the last of the Fathers, the counsellor of Popes and Kings. And presently, while both Bernard and Harding still lived, the new order began to make its appearance in England, and especially in that northern part of England whose valleys and river-sides have received a new character from its settlement among them. The order indeed made its first settlement in the south, where William Giffard, Bishop of Winchester, planted a colony of its monks at Waverley in Surrey.[2] Other houses in other parts of the kingdom soon arose; Cistercian churches were founded at Tintern and at Neath in the lands newly won from the Briton; but the true English home of the order was in that Northumbrian land where the monks of the elder order had made so little progress.[3] A colony sent by Saint Bernard himself was received by Walter of Espec, and, under his care and that of Archbishop Thurstan, it grew into the Cistercian house of Rievaux.[4] Presently new converts came from the bosom of older foundations. As Earl Siward's church at Galmanho had grown into Saint Mary's Abbey,[5] so now Saint Mary's Abbey sent forth thirteen of its monks to make the beginning of the still more famous

Saint Bernard, Abbot of Clairvaux. 1116.

Foundation of Waverley. 1128.

Foundation of Rievaux, 1131;

of Fountains, 1132.

[1] See the early history of the Cistercian order in the Monasticon, v. 220; Milman, iii. 331.

[2] Monasticon, v. 237; Æthelred, 338. [3] See vol. iv. p. 664.

[4] Will. Neub. i. 14; John of Hexham, 257; Æthelred, 338; Monasticon, v. 280.

[5] See vol. iv. p. 666.

house of Fountains.[1] A new feature was thus added to the life of England. The older Benedictine houses had either been planted in towns, or else a town had grown up around the monastic precincts. The Cistercians of set purpose lived in the wilderness, and for the most part they pitched their dwellings in spots of striking natural beauty. Only a few of their houses rose to any great wealth or to any historic fame. But it is the Cistercian houses whose names live on the lips of men. The ruined abbey is far more often a house of the Cistercian order than of any other. The Benedictine houses have commonly either been wholly swept away, or else left, in a more or less perfect state, as cathedral or parochial churches. The Cistercian church, plain and stern in its architecture,[2] often more beautiful in its decay than it could ever have been in its day of perfection, remains as a far more living witness of a state of things which has passed away than those buildings which still survive to be applied to the uses of our own times.

CH. XXIII.

Character of the Cistercian monasteries.

On the death of Anselm, Henry fell back into one of the worst practices of his brother, and kept the see of Canterbury vacant for five years.[3] This was a distinct breach of his promise;[4] but even here he showed a marked difference from his brother, in the care which he took not to interfere with the possessions of the monks and the

Vacancy of the see of Canterbury. 1109-1114.

[1] Will. Neub. i. 14; John of Hexham, 257; Æthelred, 338; Monasticon, v. 286. Fountains was quite an exceptional case amongst the Cistercian houses for its wealth and dignity.

[2] William of Malmesbury (iv. 337), without distinctly mentioning the architecture strictly so called, is strong on the plainness of the Cistercian churches. They are unlike the other orders, who are not satisfied, "nisi multicoloribus parietes picturis renideant, et solem ad lacunar sollicitent."

[3] Eadmer, 109.

[4] See above, p. 167. Compare an incidental notice in the Winchester Annals, 1109, which also savours of William Rufus; "Geroldus abbas Theokesberiæ, regis animum nolens nec valens saturare muneribus, abbatia relicta, ad ecclesiam Wintoniensem, unde professus fuerat, reversus est."

CH. XXIII.

Ralph, Bishop of Rochester 1108–1124, Archbishop of Canterbury 1114–1122.

works which they were carrying on.[1] At last the metropolitan see had again a pastor in the person of a Norman, Ralph, formerly Abbot of Seez, to whom Anselm had given the dependent bishoprick of Rochester. The English historian is careful to mark that Ralph, though doubtless the choice of the King, was raised to the metropolitan throne by a process which he is well pleased to dwell upon, as having at least the likeness of popular election.[2] During Ralph's primacy the strife between England and Rome still went on, and neither King nor Primate failed in his duty. Again Paschal dared to declare the laws of England to be contrary to the so-called canons of the Fathers,[3] and deemed it wrong that the King and people of England had given themselves a Patriarch without consulting him. Both Paschal and his next successor but one, Calixtus, of whom we have already heard, did not scruple to intrigue with a recusant Primate of York to undermine the rights of the Kentish metropolis. A long dispute followed, in which Archbishop Thurstan of York refused the accustomed profession to Canterbury, and, at the council of Rheims, when all men seemed against England and her King, he received consecration from the hands of Pope Calixtus and certain French Bishops.[4] It is not easy to reconcile the Northern and Southern versions of this business; but it seems clear

Disputes with Popes Paschal the Second (1099–1118) and Calixtus the Second (1118–1124).

Calixtus abets Thurstan of York.

Thurstan consecrated at the Council of Rheims. 1119.

[1] Eadmer, 109. The diocese was administered by Ralph, who succeeded to the archbishoprick.

[2] Eadmer, 110. The King was at first inclined to appoint Faricius, Abbot of Abingdon (compare the Abingdon History, ii. 287). Then he determines upon Ralph; "Vellent tantummodo monachi, natuque majores, et populi Cantuarienses; nec mora, requiritur quale sit in istis velle eorum et vota omnium inveniuntur esse unum. Refertur in turbam negotii summa, et in laudem Dei laxantur pro hoc omnium ora. Sic electus in pontificatum Cantuariensem Radulphus Roffensis episcopus est."

[3] Compare the Winchester Annals, 1116; "Quæsivit papa a rege quasdam consuetudines quas nunquam prædecessores sui habuerant."

[4] See above, p. 190. Roger of Howden (i. 174) mentions that Randolf Flambard was sent to forbid the consecration, but came too late.

that Thurstan sacrificed the interests of England to the interests of his own see, and King Henry, no bad judge of the interests of England, rewarded his adhesion to the enemies of his country with banishment from all his dominions.[1] He would not even listen to the prayer of Pope Calixtus in his behalf, when, in the conference at Gisors,[2] the Pontiff solemnly confirmed the ancient customs of England and Normandy.[3] It was only by dint of good service done to the King in bringing about the peace with the King of the French that Thurstan earned his restoration.[4] But the endless strife went on at intervals, both during the remaining years of the primacy of Ralph and during that of his successor William of Corbeil.[5]

CH. XXIII. Thurstan banished by Henry, restored 1120.

Archbishop William, a Norman like his predecessor, does not bear so good a character as his predecessor among

William of Corbeil, Archbishop

[1] See Eadmer, 125; and compare the York version of T. Stubbs, 1715–1717, and the Durham version of Simeon, 1119. Eadmer makes Henry say, seemingly with reference to the well-known story of Eadgar, "quod nec pro amissione coronæ suæ, utpote spatio septem annorum excommunicatus, propositum suum in hac causa permutaret."

[2] Henry's answer (Eadmer, 126) to the Pope's offer to absolve him from his promise is worthy of all remembrance; "Dicit se, quoniam apostolicus est, me a fide quam pollicitus sum absoluturum, si contra eandem fidem Thurstanum Eboraci recepero, non videtur regiæ honestati convenire hujuscemodi absolutioni consentire. Quis enim fidem suam cuivis pollicenti amplius crederet, cum eam mei exemplo tam facile absolutione annihilari posse videret?"

[3] Eadmer, 125. "Rex a papa impetravit, ut omnes consuetudines, quas pater suus in Anglia habuerat et in Normannia, sibi concederet, et maxime ut neminem aliquando legati officio in Anglia fungi permitteret, si non ipse aliqua præcipua querela exigente, et quæ ab archiepiscopo Cantuariorum cæterisque episcopis regni terminari non posset, hoc fieri a papa postularet."

[4] See Sim. Dun. 1120; Eadmer, 136; T. Stubbs, 1717; John of Hexham, 266.

[5] Through the whole controversy Eadmer must be compared with the Yorkist T. Stubbs and with such notices as are given by Simeon. Canterbury has the great advantage of telling its tale in full through the mouth of a contemporary writer.

CH. XXIII. of Canterbury (1123–1126).

the writers of the time.[1] In his own church of Canterbury his nomination gave offence, because, though a canon regular, he was not in strictness a monk, as it was alleged that all his predecessors, save only the usurping Stigand, had been since the time of Augustine. His election, we are told, was wholly the work of the King and the Bishops, both the monks and the laity withstanding it as far as they might.[2] But his primacy is chiefly memorable for being the first time when England was humbled by the sight of a stranger usurping the place of her chief pastor. It was now that a papal Legate, the too famous John of Crema,[3] not satisfied with discharging his proper legatine functions, dared to displace the Primate of all Britain in his own church on the greatest feast of the year.[4] The only remedy was for the Primate himself to go to Rome, and to come back clothed by Honorius the Second with the powers of a papal Legate in his own person.[5] More councils were held against the married clergy,[6] but in vain Legate, Arch-

His election the work of the King; distinction between monks and canons regular.

John of Crema Legate 1124.

Councils of 1124, 1127, 1129.

[1] The Continuator of Florence (1123) and Gervase (1662) both sing his praises, but cf. Henry of Huntingdon, De Contemptu Mundi, 700, and Gesta Stephani, 6.

[2] The compulsory election, the resistance of the monks, earls, and thegns—the English words still live on—the overwhelming influence of the King and the Bishops of Salisbury and Lincoln, are graphically brought out by the Chronicler (1123), who counts a canon regular as a clerk. See also Simeon, 1123; Gervase, 1662. The exception about Stigand comes out when the same question between clerks and monks was argued at the election of Ralph; see Will. Malms. Gest. Pont. 126.

[3] His well-known story is told by Henry of Huntingdon (219), whose comment should be studied, and it appears in a more elaborate, and doubtless mythical, shape in the Winchester Annals, 1125.

[4] This scene stirs up the English spirit of Gervase (1663), who describes at length the unheard-of sight of the mere presbyter sitting with all the Bishops of England at his feet; "Res quam gravi multorum mentes scandalo vulneraverit et inusitate negotii novitas et antiqui regni Anglorum detrita libertas satis indicat."

[5] Gervase, 1663; Will. Malms. Hist. Nov. i. 7.

[6] One is John of Crema's own in 1124; see the Continuator of Florence in anno; another in 1127, and another which is graphically described by the Chronicler in 1129. Archbishop William gets together bishops and

bishop, and Bishops put forth their decrees; the old custom of England was too strong for them, and the King no longer gave his countenance to the innovation. By his leave, when the Bishops were gone home, the priests kept their wives, as they did aforetime.[1]

CH. XXIII. Decrees against the married clergy.

In this time of friendly relations with Scotland the ecclesiastical connexion between the two parts of the island drew closer. It must be borne in mind that, at all events in the belief of York, the northern province of England took in all the dioceses of Scotland, and that, at all events in the belief of Canterbury, the Primate of all England was also Patriarch of all the British islands.[2] Scotland meanwhile had no Metropolitan of her own, though a certain superiority over his brethren seems already to be acknowledged in the Bishop of Saint Andrews.[3] These questions came up more than once during the reign of Henry the First, in the case of two men, Englishmen in the strictest sense, who were called to bear ecclesiastical rule in Scotland. The first was the famous Turgot, whom we have already heard of as the confessor and biographer of the holy Queen Margaret.[4]

Ecclesiastical relations with Scotland.

Relations of the Scottish Church to York.

Superiority of the see of Saint Andrews.

Turgot elected Bishop of Saint Andrews. 1107.

abbots, archdeacons, priors, monks, and canons, who were to meet in London, "and þær scolden sprecon of ealle Godes rihtes." But "þa hit eall com forð, þa weorð hit eall of earcedæcnes wifes and of preostes wifes þat hi scolden hi forlæten."

[1] Chron. Petrib. 1129.

[2] I must again send the reader to Eadmer, Simeon, and T. Stubbs; but all the documents are got together by Mr. Haddan, Councils and Ecclesiastical Documents, ii. 159 et seq. See, on the other hand, the letter of Nicolas Prior of Worcester (202) to Eadmer against the claims of York. The claims of Canterbury to jurisdiction over all Britain and Ireland come out constantly in Eadmer. See also Ralph's letter to Pope Calixtus, Haddan, ii. 193.

[3] This comes out in several places of Eadmer, and especially in the letter of Nicolas; "Quum præsul Sancti Andreæ summus pontifex Scottorum appelletur, summus vero non est nisi qui super alios est, qui autem super alios episcopos est, quid nisi archiepiscopus est? licet barbaries gentis pallii honorem ignoret."

[4] See vol. iv. p. 666.

CH. XXIII. He was chosen, as we are told, by King Alexander and the clergy and people of Scotland to the see of Saint Andrews.[1]

Consecrated by Thurstan. 1109.

But, at the moment of Turgot's election, Thomas of York was not yet consecrated; long disputes followed, but in the end Thomas consecrated Turgot and several other Scottish bishops.[2] Alexander seems at the next vacancy to have thought that Canterbury, though the more powerful, was, as being the more distant, the less dangerous claimant of spiritual supremacy.[3] Turgot left Saint Andrews, and went back to his old home at Durham, and the bishoprick of Saint Andrews, the bishoprick of Scotland as it is sometimes called,[4] remained vacant for some years. At last the choice of the King, and, we are told, that of the clergy and people,[5] fell on another English monk, but this time from the south instead of the north. The Bishop-elect of Saint Andrews was no other than Eadmer of Canterbury, the friend and biographer of Anselm and Ralph. But Bishop-elect was all that Eadmer ever became. Though released, as Anselm had been,[6] from his spiritual and temporal allegiance to the English King and Primate, Eadmer would hold his bishoprick only as a suffragan of the church of Canterbury, and as a suffragan of the church of Canterbury the

Turgot resigns; vacancy of the see, 1109–1115.

Eadmer elected to Saint Andrews. 1120.

[1] Eadmer (97) seems specially, according to his manner, to insist on the popular character of the election; "Electus est ab Alexandro rege Scotiæ et clero et populo." On the election of Turgot, see Haddan, ii. 170.

[2] The instances will all be found in Mr. Haddan's second volume. Those relating to Glasgow come under the head of the Church of Cumbria or Strathclyde.

[3] The author of the Historia Pontificalis (Pertz, xx. 540) asserts the lawful jurisdiction of York over Scotland, though he says that the Scots preferred the connexion with Canterbury.

[5] See Simeon, 1107.

[4] In Archbishop Ralph's letter to King Henry (Eadmer, 131) he says that Alexander had sent to him "cum consensu cleri et populi regni sui," but Alexander does not say so in his own letter to Ralph. So again in p. 132, Eadmer says of himself that he received the bishoprick, "eligente eum clero et populo terræ, et concedente rege."

[6] See above, p. 138.

King of Scots would not have him.[1] He came back to Canterbury unconsecrated, to record, among the mass of correspondence which he has preserved to us, many letters of his own, of the Primate, and of the two Kings, touching this unsuccessful attempt to turn the claim of Canterbury to be the patriarchal see of all Britain into something more than a name.

CH. XXIII. He goes back to Canterbury unconsecrated. 1121.

Such are the chief features, political, military, and ecclesiastical, of this long and memorable reign. Yet, long and memorable as it is, it is not marked by any specially striking events, nor can it be mapped out into periods by any strongly drawn barriers. We pass on over the thirty-five years of Henry in England, over his twenty-nine years in Normandy, and we are almost surprised to find that the enterprising Ætheling whom the voice of England called to her throne at the age of thirty-two has silently changed into the King of sixty-seven planning schemes of continental dominion for his grandchildren. The King at whose power and prosperity all men wondered survived his elder brother, the captive of Bristol and Cardiff, only by a single year.[2]

Length, character, and importance of Henry's reign.

At the time of Robert's death Henry was in Normandy, kept there by his plans for the interests of his daughter and her children. In the August before Robert's death Henry had crossed the sea for the last time, and the fact that he never came back to England, together with the circumstances of his voyage, seems to have made a deep impression on men's minds. In popular belief the signs and wonders which marked his last voyage were transferred to the Lammas-tide next before his death two years

Henry in Normandy. 1133–1135.

[1] In Eadmer, 133, Alexander is made to say, "Se in vita sua consensum non præbiturum, ut episcopus Scotiæ subderetur pontifici Cantuariorum;" and directly after, "contestans regnum Scotiæ Cantuariensi ecclesiæ nihil subjectionis debere, et ipsum ab ea penitus immunem factum sibi datum esse."

[2] See above, p. 208.

CH. XXIII. later.[1] Signs and wonders in heaven and earth had indeed filled no small part of the annals of his reign, and his last voyage from England was marked by a sign which to the men of those times seemed one of the most fearful of all. "The other day that he lay on sleep in the ship, then westered the day over all lands, and was the sun swilk as it were three night old moon, with stars about him at mid-day. Then were men in great wonder and dread, and said that mickle things should come thereafter." Our native Chronicler, who thus describes a phænomenon on which we look with so little awe, goes on to say, "so it did; for that ilk year was the King dead the other day after Saint Andrew's mass-day in Normandy."[2] Two years however passed between the portent and its fulfilment. Henry, anxious to come back to England, was hindered from so doing by the endless quarrels between the Empress and the young Count her husband. He had been sick before he left England, and these troubles seem to have made his sickness worse.[3] At last, in the winter of the thirty-sixth year of his reign, he died—the talk of the time said that he died from an unwholesome meal on lampreys—at his favourite hunting-seat in the Forest of Lions.[4] His end

His last voyage from England, and the eclipse. August 2, 1133.

He stays in Normandy.

Death of Henry. December 1, 1135.

[1] The Chronicler places Henry's last voyage and the eclipse in 1135, nothing being recorded under 1133 and 1134. But I find in the list of eclipses in the Art de Vérifier les Dates that the eclipse was on August 2, 1133, and not in 1135. And the Continuator of Florence (1133), William of Malmesbury (Hist. Nov. i. 7), Orderic (900 B, C), and Henry of Huntingdon (220 *b*), all either directly place voyage and eclipse in that year, or else imply a longer stay in Normandy than would be thought from the Chronicle. Orderic however has one or two signs and wonders at a time nearer to the King's death.

[2] Chron. Petrib. 1135. A still fuller description of the eclipse is given by the Continuator of Florence, 1132, who goes largely into the philosophy of the matter. He is copied by John of Hexham, X Scriptt. 263.

[3] Hen. Hunt. 220 *b*.

[4] His death is recorded by William of Malmesbury, Hist. Nov. i. 8, who adds a letter from Hugh Archbishop of Rouen to Pope Innocent, describing the King's pious end, which winds up, "sic in pace quievit; pacem dedit ei Deus quia pacem dilexit." See also Orderic, 901 B, C, who speaks

was all devotion and something more. For we are told that the last words which he spoke about the things of this world were a charge to all around him to keep the peace and to protect the poor.[1] He took care however, when asked about the succession, to make a last declaration in favour of his daughter. To her personally he bequeathed his dominions, without allotting any crown matrimonial to her husband who had given him so much displeasure. King Henry's body, borne across the whole breadth of Normandy and Wessex, after halting for a while by the tomb of his father,[2] found its last resting-place in the great minster which he had himself reared at Reading.[3] The first English-born King of the new line, he in whose descendants the green tree was to return to its place, the King who had won Normandy by the strength of England, who had made England the foe of France and the ally of Germany, was not to lie either in Norman soil or in any of the older resting-places of the royal dead of England. The King whose reign marks so great an æra in English history had well earned a last home to himself, apart from

Details of his death-bed.

His last declaration on behalf of Matilda.

His burial at Reading.

to the same effect. Henry of Huntingdon does not go into the same detail, but he dismisses him with the title of "rex magnus."

[1] Ord. Vit. 901 C. So the letter of Archbishop Hugh, who adds the comment, "utinam sic fecissent qui thesauros ejus tenebant et tenent." Cf. Gesta Stephani, 30, where it is laid to the charge of the Empress that she turned to her own purposes what her father had left to pious uses. The Chronicler (1137) seems rather to lay the blame on Stephen.

[2] The details of the embalming and burial of Henry, or rather the several burials of the different parts of him, may be studied in Orderic (901 C, D, where his body, which is, first of all, like that of his father, reverentially called "soma," afterwards sinks into "pingue cadaver"), in William of Malmesbury (Hist. Nov. i. 10, 13), and in the beginning of the eighth book of Henry of Huntingdon, where one of his embalmers comes to a remarkable death, with the comment, "hic est ultimus e multis quem rex Henricus occidit." William of Newburgh (i. 3) tells the same story with another comment; "Sic, cum Helisei mortui corpus vivificaverit mortuum, illius jam mortui corpus mortificaverit vivum."

[3] The burial at Reading is mentioned by all our authorities, beginning with the Chronicler. See Will. Malms. Gest. Reg. v. 413; Gest. Pont. 193; where the foundation is said to have been made "pro indictâ sibi pœnitentiâ."

CH. XXIII. all other Kings before or after him. Nor was it unfit that the victor of Tinchebrai should sleep on a spot all whose associations were purely English, a spot which had won its earlier place in history as the scene of some of the greatest exploits of Ælfred.[1]

§ 4. *The Reign of Stephen.* 1135—1154.

Reign of Stephen. 1135–1154. Utter anarchy of the time.

The remaining nineteen years of this period of our history, though they are formally marked by the name of a King, were in truth a time of utter anarchy. They mark a time in which the effects of the good order which had been established by the strong hand of Henry were for a while utterly undone. During those nineteen years there could not really be said to be any settled government in the land, and during the greater part of them the Crown was actually disputed in arms by two rival claimants. It was a time of utter wretchedness, such as we may safely say that England never saw before and never saw again. The first days of the Norman Conquest, the civil wars of the days of John, even the Danish invasions themselves, could never have fully equalled the horrors of a time when every man who had the power did that which was right in his own eyes. But, though the immediate work of Henry was undone, his really lasting work lived through all. Even this wretched time had its share in wiping out the distinction between the conquerors and the conquered. In the universal slaying and harrying, the ravaging of fields, the burning of towns and castles, no distinction was made between Norman and English-

The fusion of Normans and English still goes on.

[1] See vol. i. p. 360; Chronn. 871, 1006. I fear however that, when I wrote my first volume, I did not fully understand the force of the words "andlang Æscesdune to Cwichelmes hlæwe." Æscesdun is not the modern Ashdown Park, but the whole ridge, and the battle was fought at the other end towards Reading. This has been distinctly made out by Mr. James Parker.

man, and the work was largely done by the hands of mercenaries who were strangers to both. The anarchy itself thus led men to forget older national enmities in more present and more wearing wrongs, and it led them too to join as one people in welcoming the return of order under a prince who was as little Norman as he was English. It is in this reign, if the word reign be not utterly out of place, that we hear the last faint echoes of the time when England was inhabited by men who could be pointedly divided into conquerors and conquered. During this reign we hear for the last time, from a very few and very uncertain voices, the word Norman used to imply a distinct class among the inhabitants of England.[1] In the next reign the distinction is wholly wiped out; it survives only in a few legal forms and expressions which are fast losing all practical meaning. CH. XXIII.

Last signs of the distinction of race.

The events which followed the death of Henry showed once more, but showed for the last time, that arrangements made for the succession to the English throne before its actual vacancy were of no force. Henry had taken every means in his power to secure the succession of his daughter to his dominions; but his schemes were utterly shattered. Matilda cannot be said ever to have reigned, and her son reigned by virtue of a later compact. On the death of Henry, just as on the death of his father, lawlessness again broke forth, and one special form is said to have been a general raid on the royal deer-parks, so that in a few days hardly a beast of chase was to be seen in the country.[2] A King however was soon chosen. The old tie between a man and his sister's son[3]

Henry's settlement of the succession ineffectual.

General outbreak of lawlessness on Henry's death.

Ravages in the deer-parks.

[1] This comes out in two passages of Henry of Huntingdon, as when beginning the eighth book he speaks of the reign of Stephen as "tempus atrocissimum quod postea per Normannorum rabiosas proditiones exarsit." And, in describing the Battle of the Standard, he distinguishes "Normanni et Angli," though he speaks of them together as "omnis populus Anglorum."

[2] Gest. Steph. 2.

[3] See vol. ii. p. 368. So Gest. Steph. 3.

CH. XXIII.

The sons of Adela [died 1137].

Theobald, Count of Chartres [1102-1152] and Champagne [1125-1152].

Henry, Bishop of Winchester. 1129-1171.

Stephen, Count of Boulogne. 1125-1154.

Character of Stephen.

His marriage with Matilda of Boulogne.

had been felt in all its strength between Henry and the sons of his sister Adela, and it bound him in a special way to her third son Stephen. The support of her son Theobald, the reigning Count of Chartres and Blois and now of Champagne, had been the alleged ground of Henry's French wars,[1] and her younger son, who bore the name of his uncle, stands forth, in political yet more than in ecclesiastical history, as Abbot of Glastonbury, Bishop of Winchester, and Legate of the Holy See. But Stephen, Count of Mortain by his uncle's grant, Count of Boulogne by marriage with the daughter of the last Eustace,[2] stood highest in Henry's favour, and enjoyed all that he could hope for short of the kingdom. Brave, generous, popular in manners, affable and merry towards men of all classes, gentle and merciful to a fault,[3] Stephen had much in him to win, and even to deserve, the general good will. To England he was a stranger both by birth and by descent, and his connexion with Normandy was only through his mother. It was only as the nephew of his uncle that he had any position in either kingdom or duchy. But, by his marriage with a grand-daughter of the holy Margaret, he was the father

[1] See above, pp. 180, 187. Theobald seems not to have been the eldest son of Stephen and Adela. See Will. Neub. i. 4, and cf. vol. i. p. 520.

[2] Stephen's wife Matilda was the daughter of Eustace of Boulogne and of Mary third daughter of Malcolm and Margaret, and sister of Henry's first Queen. See William of Malmesbury, Hist. Nov. iii. 49.

[3] This better side of Stephen's character comes out in all the portraits of him. In William of Malmesbury (Hist. Nov. i. 12) he is "lenis et exorabilis hostibus, affabilis omnibus;" he speaks of his "dulcedo in promissis;" elsewhere (16) he calls him "mansuetissimus homo," and tells (14) how "quum esset comes, facilitate morum et communione jocandi, consedendi, convescendi etiam cum infimis, amorem tantum demeritus quantum vix mente aliquis concipere queat." So Richard of Hexham, 312, calls him "vir tantæ mansuetudinis et benignitatis, ut etiam inimici ejus ad ipsum conversi præter spem suam in illo misericordiam invenirent." Somewhat different colours will be found in the Continuator of Florence, 1139, and in Henry of Huntingdon, 226 *b*.

of children who could trace up their line to the ancient Kings in the only way in which any man could now trace up a legitimate descent either to Cerdic or to William. His popular qualities, his position as in some sort the male representative of the Conqueror, were strengthened in Normandy by the old border hatred to Anjou and by a special dislike to its present Count. Even in England they outweighed the English birth of the Empress and the repeated oaths that had been sworn to her. On his uncle's death, Stephen hastened over to England, and was chosen King with little opposition. Dover and Canterbury are said to have refused him admission;[1] but London and Winchester were zealous on his behalf. The body by whom he was actually chosen seems, as in some earlier elections, to have consisted of the London citizens and of such other of the chief men of the land as could be got together at once.[2] Roger, the famous Bishop of Salisbury, who had administered the oath of allegiance to Matilda,[3] supported him, and he had the zealous help of his brother at Winchester, to whom writers on both sides pointedly say that he owed the Crown.[4] After some hesitation, Archbishop William performed the consecrating rite,[5] and the new King was generally acknowledged. Even Robert Earl of Gloucester came over and did homage,[6] though his own special panegyrist takes care to tell us that he did so only on condition of Stephen keeping all his engagements, especially towards himself.[7] As regards the kingdom at large, those engagements took the form of two successive charters.[8] The former is little more than a

CH. XXIII.

Stephen chosen King.

Zeal of London and Winchester in his cause.

He is supported by the Bishops of Salisbury and Winchester.

He is crowned by Archbishop William. December 22 (?), 1135.

Earl Robert does homage conditionally.

Stephen's charters.

[1] Gervase, X Scriptt. 1340. [2] See Appendix DD. [3] See above, p. 202.

[4] Gest. Steph. 5; Will. Malms. Hist. Nov. i. 11.

[5] The scruples of the Archbishop are described most fully in the Gesta Stephani, 6. [6] Gesta Stephani, 8; Will. Malms. Hist. Nov. i. 14.

[7] Will. Malms. Hist. Nov. i. 14. "Homagium regi fecit sub conditione quadam, scilicet, quamdiu ille dignitatem suam integre custodiret et sibi pacta servaret."

[8] On the difference between the two charters of Stephen, see Stubbs,

CH. XXIII. formal document granting again the good laws, customs, and liberties which the King's men had enjoyed in the days of his uncle King Henry and in the more distant days of King Eadward. The second charter, which is far fuller and goes far more into detail, was put forth at Oxford before the first year of his reign was out. Stephen had just come back victorious from driving back a Scottish invasion,[1] and he had received a letter from Pope Innocent, in which the Pontiff, while fully acknowledging the facts of his popular election and ecclesiastical consecration, took upon him to use expressions of friendship which were construed as further confirming Stephen's right to the Crown.[2] On the strength, it would seem, of this papal acknowledgement, the Bishops took an oath of allegiance in conditional terms, somewhat like that taken by Earl Robert. They swore, it is said, to be faithful to Stephen so long as he should preserve the liberties and discipline of the Church.[3] Such a form of oath, a form which we may be sure that any earlier King would have cast aside with indignation, a form in which men made their duty as members of the commonwealth conditional on the observation of the vague and undefined privileges of one class, a form which might involve an appeal from the King and his Witan to the judgement of a foreign power, shows how low English kingship had fallen, now that it was no longer embodied in the great ruler before whom a year back all men had trembled. In answer to this conditional submission, King Stephen put forth his charter. In this document he

The second at Oxford. 1136.

Stephen's claims approved by Pope Innocent the Second.

Conditional oath of the Bishops.

Terms of the Charter.

Select Charters, 113, 114; Constitutional History, 320, 321. The second charter is given by William of Malmesbury, Hist. Nov. i. 15. His version leaves out an important clause at the end; "Hæc omnia concedo et confirmo, *salva regia et justa dignitate mea*."

[1] See below, p. 258.

[2] On this letter, which seems to be given only by Richard of Hexham, X Scriptt. 313, see Appendix DD.

[3] Hist. Nov. i. 15. "Juraverunt episcopi fidelitatem regi quamdiu ille libertatem ecclesiæ et vigorem disciplinæ conservaret."

describes himself as chosen King by the consent of the clergy and people, a form in itself constitutional enough, but which implies a slurring over of that civil election of an English King which went before the ecclesiastical election which formed an essential part of the crowning rite. But Stephen goes on to use words such as no English King had ever used before him. He records his consecration by Archbishop William; but, as if consecration by the Patriarch of all Britain were not enough, the Primate is further described by the new-fangled title of Legate of the Holy Roman Church; and, by a deeper degradation still, the King stoops to refer to the letter of Innocent, and adds as part of his claim to his Crown that he, the King chosen, crowned, and anointed, had been further confirmed in his kingdom by Innocent, Pontiff of the holy Roman see.[1] William the Great would hardly have set it forth as part of his formal style that his claim to the Crown of England had been approved at Rome. But, when William the Great sought for an approval of his claim at Rome, when he received his crown at a solemn festival from the hands of Roman Legates, he was making ready the way for this further step in the downward course. Men now dared to imply that the choice of a King of the English needed the confirmation of a Bishop of Rome. Eighty years later such an acknowledgement was to bear its fruit in the vassalage of the Crown of England to the Roman see.

CH. XXIII.

Stephen's claim grounded on the ecclesiastical election.

The confirmation by Innocent acknowledged.

Effects of the ecclesiastical policy of the Conqueror.

The charter itself which is ushered in with so strange a preamble is chiefly taken up with ecclesiastical matters.[2] There are indeed a few secular provisions. Stephen binds himself to observe all the good laws and ancient customs,

[1] Will. Malms. Hist. Nov. i. 15. "Ego Stephanus, Dei gratia, assensu cleri et populi in regem Angliæ electus, et a domino Willelmo archiepiscopo Cantuariæ et sanctæ ecclesiæ Romanæ legato consecratus, et ab Innocentio sanctæ Romanæ sedis pontifice postmodum confirmatus."

[2] See Appendix DD.

CH. XXIII. and to root out all the misdoings of his sheriffs and other officers. The forests which were held by the Crown in the days of the two Williams he will keep, but those which were added by Henry he will give up.[1] But the chief provisions relate to the customs, privileges, and possessions of the Church, which are to remain as they were at the death of his grandfather King William. He promises to give up the feudal rights which had been brought in by the ingenuity of Randolf Flambard, and to forbear from taking the revenues of vacant bishopricks and abbeys to his own use. And he promises also to put an end to a practice for which there was much less to be said, but which seems to have been common in the reign of Henry, namely that of seizing to the King's use the personal property of deceased churchmen, even to the prejudice of those in whose favour they had made their wills. Stephen in short, as a writer of the time emphatically says, promised whatever he was asked,[2] and the churchmen seem to have been the most diligent in asking. The complaints of Stephen's breaches of all his engagements are many and bitter; but even a writer on the other side is ready to attribute them less to any evil intention on Stephen's part than to the influence of bad counsellors and to the force of the wretched circumstances in which he found himself.[3]

Provision as to the forests.

Provisions as to the new feudal devices with regard to churchmen.

The election of Stephen, a man who had himself sworn to the succession of another candidate for the Crown, can hardly fail to call to our minds a more illustrious election of the same kind nearly seventy years earlier. What Harold had sworn to William must remain for ever uncertain; but

Comparison of the elections of Stephen and Harold.

[1] Henry of Huntingdon, 221 *b*, makes Stephen promise the abolition of the Danegeld, a promise which does not appear in the charter. See Stubbs, Select Charters, 114. He adds, "Hæc principaliter Deo vovit et alia, sed nihil horum tenuit."

[2] Will. Neub. i. 4. "Pactus est quæcunque præsules et proceres exigere voluerunt, quæ postea per ejus perfidiam in irritum cuncta cesserunt."

[3] Will. Malms. Hist. Nov. i. 16.

there is no reason to doubt that he had taken an oath of such a kind that it could at least be plausibly given out that he had broken it by accepting the Crown. Stephen, and the whole nobility of England with him, had sworn far more distinctly to receive Matilda as their sovereign on the death of her father. In the teeth of this oath, Stephen accepted the Crown to which he was chosen, seemingly with the general good will, certainly with no open opposition at the moment. What was the legal and moral aspect of such an election on the part either of the electors or the elected? Had no oath on the other side ever been taken, nothing could have been said against Stephen's election. He was in fact the most obvious choice. Unless the now aged Eadgar was still living,[1] the male line of Cerdic and the male line of William had alike come to an end. The King of Scots might by the spindle-side be deemed the representative of the old West-Saxon royalty, and, looking at the matter with the experience of seven hundred years, we might think that no course could have been better than to unite the whole island under one rule, and that the rule of such a prince as David. But we may be sure that such a choice would have been altogether unacceptable to the great mass of Englishmen, whether of Old-English or of Norman descent. Of the descendants of the Conqueror by the female line, by far the most promising, in his personal qualities, was Stephen's elder brother, Theobald of Champagne, a son worthy of his mother, and in every respect one of the best princes of his age. But Theobald must have seemed a stranger in Normandy, and yet more so in England, while Stephen, the favourite nephew of his uncle, was well known and beloved in both countries. Stephen's continental principality, the county of Boulogne, was one

CH. XXIII.

Stephen's oath to Matilda.

His election good, saving the oath.

Other possible candidates.

David.

Theobald.

[1] See vol. iii. p. 767.

CH. XXIII. which had already been connected with England in more ways than one. One of Stephen's predecessors had, however unwisely, been called over to England by the voice of at least a part of the English people,[1] and men may have thought, in the days of the first as well as of the last Henry, that such a landing-place on the mainland might not be an useless possession for an English King. A hundred years before, we can well believe that the national voice, in Normandy at least if not in England, would have been raised in favour of the eldest son of the late King, a son so well beloved of his father and in many respects so worthy to reign. Earl Robert, at once soldier and scholar,[2] might, if personal qualities alone had been looked to, have been placed on a level with David and far above Stephen. But the days had passed when either Englishmen or Normans were likely to choose a sovereign who was not of legitimate birth. Robert was the acknowledged son of his father; as a King's son, he was held to be first among the nobles of the land;[3] but it does not seem that any voice was openly raised for bestowing on him either the kingly crown or the ducal coronet. We hear only a vague rumour that there were some who suggested to him to put forward his own pretension, but that he thrust any thoughts of the kind aside.[4] We can hardly doubt that either David, Theobald, or Robert would have made a far better King than Stephen; but, as things stood, we cannot wonder that he was preferred to all of them. The only thing that stood in his way was the oath by

Robert Earl of Gloucester;

his position.

[1] See vol. iv. p. 112.

[2] William of Malmesbury (v. 447) enlarges to the Earl on his happy union of the two characters.

[3] See Appendix BB.

[4] Gest. Steph. 8. "Robertus, comes Glaorniæ, filius regis Henrici, sed nothus, vir probati ingenii laudabilisque prudentiæ, cum de regni susceptione, patre defuncto, ut fama erat, admoneretur, saniori præventus consilio, nullatenus adquievit, dicens æquius esse filio sororis suæ, cui justius competebat, regnum cedere quam præsumptive sibi usurpare."

which he and all the great men of the land were bound to receive Matilda as the successor of her father. His partisans alleged, when Archbishop William hesitated to crown him, that the oath which they had taken was a constrained oath, extorted by a will which they dared not resist, and that such an oath was not binding. A more daring party, among them Hugh the Bigod of Norfolk, took on themselves to say, with very little likelihood of truth, that the late King had changed his mind on his death-bed, and had made his last recommendation in favour of his nephew and not of his daughter.[1] In later years the same arguments seem to have been brought up again and to have been strengthened by a new one. The legitimacy of the Empress's birth was called in question, on the ground of the old tale which Anselm had cast aside by a formal judgement, the tale that her mother Eadgyth or Matilda had been a professed nun at the time of her marriage.[2] The cause of Stephen was however less powerfully helped by any of these technical objections than by the general dislike of both Normans and English to the Angevin husband of Matilda, stranger as he was to all of them.[3] The election of Stephen was doubtless a lawful one; the moral guilt of Stephen and those who broke their oaths along with him may be left to casuists. Their oaths at least could hardly be binding on the citizens of London and Winchester, who freely exercised their ancient right of sharing in the choice of the King who should reign over them. If any one had a right to complain, it was the men of the North, who could hardly have had any share in the

Alleged invalidity of the oath to Matilda.

Henry's alleged change of purpose.

Alleged illegitimacy of Matilda.

Dislike to Geoffrey.

Validity of Stephen's election.

Position of Northern England.

[1] See Appendix DD.

[2] See Appendix DD.

[3] See the Continuation of Florence, vol. i. p. 276 of Thorpe's edition; "Volente igitur G. comite cum uxore sua, quæ hæres erat, in regnum succedere, juramenti sui male recordantes, regem eum suscipere noluerunt, dicentes, 'alienigena non regnabit super nos.'"

CH. XXIII.

action of the men of London. But this was equally true of almost every election both before and after the Conquest,[1] and the northern part of England was, as it turned out, the part in which Stephen's government met with the least practical opposition. In short, Stephen may stand condemned as an oath-breaker; but he was no usurper, in the sense in which that word is vulgarly used. In this case, exactly as in the case of Harold, we find the act looked on in different ways in his own generation and in that which followed it. The writers of his own time are loud in condemnation of his perjury, but it is only of his perjury that they speak. In a later stage, when the son of his rival was firm on the throne, the doctrine of female succession took root under a King who by the spindle-side sprang from both William and Cerdic, but who by the spear-side had nothing to do with either. Then it was that men began to find out that Stephen had been guilty, not only of breaking his oath, but also of defrauding the heir to the Crown of her lawful right.[2]

Stephen an oath-breaker, but not an usurper.

Change of feeling; Stephen first denounced for perjury, afterwards for usurpation.

But, if the choice of Stephen was a lawful one, if it was, as things then stood, a natural one, it could not be said to be a wise one in itself. Stephen was a more amiable man, most likely he was morally a better man, than his uncle; but he had none of his uncle's gifts for ruling a kingdom in those days. His character and what came of it is summed up in the few pithy words of the native Chronicler; "The traitors understood that he mild man was and soft and good, and no justice did not." "On this King's time was all unfrith and evil and robbery; for against him rose soon the rich men that were traitors."[3] Henry, with all that

Character of Stephen; his unfitness to rule.

[1] See vol. iii. p. 58.

[2] See Appendix DD.

[3] Chron. Petrib. 1135, 1137. It is rather hard measure when the Winchester Annalist says, 1135, "Hoc anno rex omnibus magnatibus regni sui

Contrast between Henry and Stephen.

was blameworthy in him, had done justice; that is, he had kept a strong hand on evil-doers great and small, and under him the land had had peace. Stephen is not personally charged with anything like the evil deeds of his uncle; but under him the reign of law came to an end. A few occasional acts of vigour, one might rather say, of violence, were a poor substitute for the regular, if stern, administration of Henry. What Henry began he commonly finished; of Stephen it was specially remarked that his grand beginnings for the most part led to very small endings.[1] It would seem that a false estimate of Stephen's character had been formed during Henry's lifetime. In Normandy at least, the Chronicler emphatically says, "They weened that he should be all so as his eme was."[2] Men thought that a man who was personally brave, generous, kind and condescending to all classes, would be sure to make a good King. They thought that his rule would be lighter, that his demands on their purses would be smaller, than those of Henry had been. They were indeed deceived. Instead of the yoke of one master, they were left to the goads of a thousand. Instead of the regular exactions of a single King, they were left to the endless robberies of every turbulent baron in the land. Henry was before all things a King; he was always a statesman; he was, when need called for it, a soldier. Stephen was neither a statesman nor, in the higher sense, a soldier. He was always a gallant knight and a courteous gentleman, but a King never.

Stephen's character mistaken by his contemporaries.

The native Chronicler sets down the whole nineteen

Wretchedness of

amabilem se exhibebat, metuens sibi quod regnum injuste præoccupaverat. Semper autem vulpes latebat sub pectore."

[1] Gervase (X Scriptt. 1370) remarks that "Mos erat regis multa strenuiter incipere, pauca laudabiliter finire." Cf. Hen. Hunt. 226 *b*.

[2] Chron. Petrib. 1137.

CH. XXIII. Stephen's reign.

years during which Stephen held the kingly title as one time of anarchy and evil of every kind. Yet even these wretched years admit of some distinctions for the better and for the worse between one part of them and another. The whole time was one of confusion and lawlessness as compared with the rule of Henry, but the worst evils did not at first break forth in all their fulness. For several years at the beginning of his reign Stephen lived in comparative peace; that is to say, he had to deal with nothing worse than isolated revolts of his barons and Scottish invasions — growing into conquests — of the Northern shires. These were burthens easily to be borne as compared with the general break-up of society which followed the open assertion of the rights of the Empress. The men who won the fight at Northallerton, the fight of the Standard, were engaged in a national war in which they have our sympathy as much as the men who fought at Brunanburh or at Flodden. But we can have no sympathy for either side in the civil war which followed. No doubt there were in both armies men who fought for Stephen or for Matilda out of conscientious loyalty to one side or the other. There is something specially pleasing in the faithful attachment of the sons of Henry to their half-sister; yet it was simply a case of that misapplied loyalty which, for the sake of the supposed rights of a single man, is ready to bring the horrors of civil war on a whole nation. And loyalty to Matilda might have seemed more honourable, had it not taken the form of a breach of allegiance already sworn to Stephen. Whatever may have been the personal guilt of Stephen, or of any others who broke the oaths exacted by Henry, Stephen was, as regarded the nation, a lawfully chosen King; he had not been guilty of any oppression which could justify revolt; his chief fault was a lack of power to remedy the evils of a state of things

Comparative peace of his early years.

The Scottish war.

The civil war.

Attachment of Henry's sons to Matilda.

Right on the side of Stephen.

which his enemies presently made ten times worse. We may therefore so far take the side of Stephen as to condemn the attempt to displace him in favour of Matilda; but, when the war had once broken out, there was nothing to choose between one side and the other. Neither the King nor Earl Robert can be personally charged with any acts of cruelty going beyond the ordinary licence of warfare in those days. But it is certain that they did not—Stephen at least, we may be sure, could not—hinder those frightful doings of their followers which make these nineteen years stand out by themselves without a parallel in our history. In truth their followers were followers only in name. Men professed to take up arms for the King or for the Empress, while what they really sought for was unrestrained licence of evil doing.[1] Stephen also lies specially open to the charge, though no doubt all the leaders on either side were open to it also, of fighting his battles with mercenaries of all kinds. The land was overrun by strangers, specially Bretons and Flemings, among whom one favourite leader of Stephen, William of Ypres, has made himself a name in the history of the time.[2] The presence of these men was at the time an unmixed evil, and they drew on themselves the common hatred of all classes in the kingdom; but they may incidentally have had their share also in bringing natives of the soil of all classes

Nothing to choose between parties in the war itself.

Use of mercenaries.

[1] So William of Malmesbury (Hist. Nov. iii. 50) says of most of the Earls of the time, "Erant juvenes et leves, et qui mallent equitationum discursus quam pacem." "Equitatio" here has the meaning which is borne in a more technical way by "caballicatio."

[2] The coming of these strangers and their doings are set forth in Gest. Steph. 97; Will. Malms. Hist. Nov. i. 14, ii. 34. He says that there were joined to them "non solum advenæ, sed etiam indigenæ milites, *qui pacem regis Henrici oderant*, quod sub ea tenui victu vitam transigebant." William of Ypres often appears in the history, as Hist. Nov. i. 17; Ord. Vit. 916 C; John Hex. 270. His earldom is doubtful. See Stubbs, Const. Hist. i. 362.

CH. XXIII. together in one common loathing for the foreigner. This goes on during the whole time of the civil war. At last, partly through mere exhaustion, partly through the death of Earl Robert, the war slackened on the side of Matilda, and the last few years of Stephen were, like the first, a time of comparative quiet. Then came the compromise by which peace was at once restored, and the way was opened for the second Henry to do over again the work of the first. Then at last Stephen was King. Up to that time there had probably been no moment of his nominal reign at which he had been in full possession of the royal authority in every part of the kingdom.

Three periods of Stephen's reign. First, 1135–1139. Second, 1139–1147. Third, 1147–1154.

The reign or anarchy of Stephen thus falls naturally into three periods. There is, first, the time of the Scottish war and of isolated revolts; secondly, the time of the general civil war, from the landing of Matilda; thirdly, the time of comparative peace, after the death of Robert and withdrawal of Matilda, taking in the dealings between Henry and Stephen and the final settlement. And in this case, as the relations with Scotland are now of special importance, and as they have not much connexion with the events of the second period, it may be better to begin with a sketch of the affairs of the northern part of the island.

Reign of David in Scotland. 1124–1153. Effect of his reign on Scottish history. His character.

The reigning King of Scots was the famous David, the son of Malcolm and Margaret, the uncle alike of the Empress Matilda and of Stephen's Queen of the same name.[1] In Scottish history he may almost be called the creator of the more recent kingdom, the great strengthener of its ecclesiastical and feudal elements. Closely connected with the reigning house of England, he had spent much time at the court of his brother-in-law, and, like his

[1] See above, p. 209.

father, he encouraged the presence in his kingdom of settlers from England, both of Norman and of Old-English blood. His praises as a man and as a King, as a pattern of every Christian and princely virtue, are loudly sung by writers both in England and in his own kingdom.[1] We have seen him zealous for the succession of his Imperial niece, and as more than once acting as her counsellor.[2] The election of Stephen, to the prejudice of claims for which he was so zealous and to which he had been the first to swear, supplied David with causes or excuses for breaking the peace which had now lasted for so many years between England and Scotland. He was now undisputed master of his own kingdom, having put down a revolt of the hostile house of Moray. That revolt has been thought worthy of record in a fragmentary notice in one of our national Chronicles, and the man who quelled it was of English birth. He was Eadward the son of Siward, seemingly that Siward Barn who had shared in Hereward's warfare at Ely, and who had been set free from his bonds for one moment by the dying bidding of the Conqueror.[3] Thus strengthened, David deemed himself fully a match for a King who was sure to reign over a divided kingdom. Stephen was hardly on his throne before the King of Scots, stirred up, it is said,

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Revolt in Moray suppressed by Eadward son of Siward. 1130.

[1] The great panegyric of David is that given of him by Æthelred in his letter to Duke Henry (X Scriptt. 347). See also pp. 346, 368. Compare also John of Hexham, 281; Will. Malms. ii. 228, v. 400; while even Serlo (X Scriptt. 331) makes it his business to explain that it was not through cowardice that David fled at the Battle of the Standard;

"Et tunc quamvis Martis dextram non fugit ut timidus,
Sed cum hostes prævalerent vitavit ut providus."

Fordun of course (v. 31, 35) has much to say in honour of "generis sui splendor David."

[2] See above, pp. 202, 206.

[3] Chron. Wig. 1130. See Orderic, 702 D, 703 A for "Eduardus Siuuardi filius, qui sub Eduardo rege tribunus Merciorum fuit, princeps militiæ et consobrinus David regis." See Robertson, Scotland under her Early Kings, i. 189, and vol. iv. p. 710.

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David invades England on behalf of Matilda. 1136.

by a letter from his niece, had entered England under cover of asserting her rights.[1] He took all the northern fortresses, the new stronghold of Carlisle among them; Bamborough alone stood out. Wherever he went, he took oaths and hostages in the name of the Empress.[2] The news of this inroad reached Stephen at Oxford, where he had just put forth his second charter.[3] He at once marched northward with all speed;[4] he found David preparing for an attack on Durham;[5] but no military operations followed. The two Kings agreed on terms of peace. The rights of Matilda seem to have been forgotten. David perhaps remembered that Stephen's own Matilda stood to him in the same degree of kindred, and that, special promises apart, he was in no way called on to exalt the daughter and grandchildren of one sister at the expense of the daughter and grandchildren of another.[6] Nothing was said on behalf of the Empress or her sons; but David seems to have thought himself clear from all guilt of perjury, because he himself either declined or was not asked to do any personal homage to Stephen.[7] But he did not scruple to treat with Stephen

Peace between David and Stephen.

[1] So the author of the Gesta (34, 35), who tells us how David was "zelo justitiæ succensus." Henry of Huntingdon (222) takes another line; "Rex Scottorum, quia sacramentum fecerat filiæ regis Henrici, quasi sub velamento sanctitatis, per suos exsecrabiliter egit."

[2] Richard of Hexham, 312.

[3] So Henry of Huntingdon, 221 *b*, tells us the tale, but in a form which sounds a little legendary. The message comes, "Rex Scottorum, simulans se pacifice venire ad te gratia hospitandi, veniens in Karloil et Novum Castellum dolose cepit utraque. Cui rex Stephanus, 'Quæ dolose cepit, victoriose recipiam.'"

[4] Henry of Huntingdon (221 *b*) says that his army was "quantum nullus in Angliæ fuisse memorari potuit." This is not unlikely, as, thanks to King Henry's good peace, no great armies had been needed in England since Robert's invasion at the beginning of his reign.

[5] Compare Henry of Huntingdon with the two Hexham writers.

[6] See John of Hexham, 265, and the Melrose Chronicle, 1139.

[7] Mr. Robertson, i. 103, remarks that the Scottish King, still true to his oath, refused "to hold any fiefs of Stephen." This would seem to come from

as sovereign of England, to restore to him part of the conquests which he had made in the name of his niece, and to accept a grant of another part, if not in his own name, yet in that of his son. The Northumbrian fortresses were given back to Stephen, but the new possession of England, won by Rufus and strengthened by Henry, was again separated from the immediate allegiance of the English Crown. Henry, the son of King David, was also the son of Matilda the daughter of Waltheof. In that character he was now held to have the same vague claim to the earldoms of his grandfather which had been put forth on behalf of Gospatric as the descendant through his mother of the elder line of Northumbrian Earls.[1] The hereditary doctrine, the doctrines of representation and female succession, had so far grown that, as men were beginning to think that a woman might herself fill the highest office of all, so it was now deemed that, though a woman could not in her person hold the temporal office next in rank, she might hand on a claim to it to her husband or her son. As the son of Matilda, Henry received the earldom of Huntingdon, which his father himself had held;[2] he did not receive his grandfather's other earldom of Northampton, but, perhaps as a substitute, he received a grant of Doncaster, a place over which Earl Tostig, and therefore most likely Earl Waltheof, had held rights.[3]

Carlisle and Cumberland ceded to David.

Henry son of David receives the earldom of Huntingdon, and a conditional promise of Northumberland.

Growth of the doctrines of representation and female succession.

Walter of Hemingburgh, i. 57; "Rex David homo regis Stephani non est effectus, quia de laicis primus juravit fidelitatem ipse David filiæ regis Henrici, scilicet nepti suæ, de Anglia ei manutenenda post mortem regis Henrici."

[1] See vol. iv. p. 134.

[2] On David's possession of the earldoms of Huntingdon and Northampton, see Orderic, 702 C. The grant to Henry in Richard of Hexham (312) is "dedit Rex illi cum consulatu patris sui, Huntadun, Carlel, et Donacastram cum omnibus quæ ad ea pertinent."

[3] In Domesday (307 *b*) Tostig appears as having a "soca" in Doncaster; but he was not the only lord, as another "soca" there belonged to Wulfsige and Archill.

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He receives Northumberland. 1139.

He is invested by his father with Carlisle and Cumberland.

Importance of these grants.

These grants are, from the point of view of the present volume, of far more importance than the endless wars and fightings of this time, more important even than the Battle of the Standard itself. They look back into the past, and they look onward into the future. The earldom of Huntingdon was of no great moment; lying, as it does, in the midst of the English kingdom, its lord would always be a mere Earl; its possession could not raise any man into the rank of a prince. But Northumberland and Cumberland were fiefs of quite another kind. The grant of those earldoms to a Scottish King or to a Scottish King's son practically amounted to cutting them off from the

[1] Richard of Hexham (312) says this doubtfully; "Ut quidam aiunt qui se huic conventioni interfuisse testantur, promisit illi quod, si comitatum Northanhymbriæ alicui dare vellet, prius calumniam Henrici filii regis Scotiæ super eo juste in sua curia judicari faceret." The later course of the story quite bears out this statement.

[2] The grant is recorded by Richard of Hexham, 330; John of Hexham, 265. The elder writer adds that "pro ipsis oppidis [Newcastle and Bamborough] quantum urbes eorum valebant in Suth-Anglia illi dare debebat."

kingdom of England. It is the counterpart and the complement of the earlier grants of the elder Cumberland in the days of Eadmund the Magnificent and of Lothian in the days of Eadgar or of Cnut.[1] In each case the Cumbrian grant comes first, and the Northumbrian grant follows it. Cumbrian geography is one of the most mysterious of subjects, and it may be discreet to abstain from searching over narrowly into the exact relations between the territory which was now granted to Henry and the territory which had been in the old time granted to Malcolm. The later grant most likely took in a part only of the earlier. But at any rate the Cumberland of the tenth century and the Cumberland of the twelfth stood in the same relation to the dominions of the Scottish King on that side of the island. In both cases he advanced his south-western frontier, under the form of receiving a fief —we may apply the word even to the earlier case—at the hands of the English King. We may be quite sure that this ancient grant, and the long possession of an appanage in those regions by the heir-apparent to the Scottish Crown, were present to the mind of David when he made the investiture of his son with Carlisle and Cumberland one of the conditions of peace. With regard to Northumberland the case is still clearer. Here were no ancient claims to press or to mystify, but, as Scotland had got half Bernicia by the elder cession, so she now got the rest by the later one. In the Cumbrian cession, old and new, the English King granted a recent conquest, one which in the earlier case was very recent indeed. In the Northumbrian cession, old and new, he lopped off an integral portion of the English kingdom. It is plain that the effects of these further grants, each lying geographically in advance of one of the elder grants, must have done much practically to incorporate the older grants with the Scottish kingdom.

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Analogy between these grants and the earlier grants of Cumberland and Lothian.

Extent of Cumberland.

Effect of these grants on the lands formerly granted.

[1] See vol. i. pp. 64, 136, 138, 610.

CH. XXIII. As long as Cumberland and Northumberland were held by the King of Scots and his son, Lothian and the Scottish Strathclyde were no longer the border possessions of Scotland towards England. The new fiefs stepped into the position which the elder fiefs had formerly held. Now that those elder fiefs had other lands in advance of them in the direction of England, men began to look on Lothian and Scottish Strathclyde as parts of the kingdom of Scotland,[1] while Northumberland and Cumberland took the place which had been held by Lothian and Scottish Strathclyde. The Scottish possession of Northumberland and Cumberland did not last long; but it seems to have lasted long enough to help to bring about this result,[2] a result the importance of which was shown when the great controversy came on in the days of Edward the First. By that time it had been nearly forgotten on both sides that Scotland, Strathclyde, and Lothian had anciently stood in three distinct relations of dependence to the English Crown. The question was argued as one of the dependence or independence of the whole formed by those three.[3] This confusion cannot fail to have been strongly promoted by the fact that the King of Scots held, or claimed to hold, these new territories in advance of the old ones. The possession soon became a mere claim; but, if it had been otherwise, if the Scottish Kings had kept their grasp on southern Bernicia and the diocese of Carlisle as firmly as

Their bearing on the controversy in the time of Edward the First.

[1] It reads almost like a protest when John of Hexham (281), in describing the good works of David, speaks of "cœnobia Saltehou, Mailros, Neubothle, Holmcoltran, Ieddewerth, Crag, et hæc quidam cis mare Scotiæ [Scotswater] sita," and adds, "præter ea quæ in Scotiâ et in aliis locis bona operatus est."

[2] We must also remember how much these lands gained during Stephen's time by their connexion with Scotland. William of Newburgh (i. 22) says pointedly, "Aquilonalis regio, quæ in potestatem David regis Scottorum usque ad flumen Tesiam cesserat, per ejusdem regis industriam in pace agebat."

[3] See Historical Essays, i. 65.

they kept it on Lothian and Northern Strathclyde, a descendant of the Anglian founders of Bamborough, nay, a descendant of the Saxons brought from the South to till the wasted lands of Cumberland, would now be naturally spoken of as a Scot, just as we freely apply the Scottish name to an inhabitant of British Dunbarton or of English Haddington.

I have grouped both the grants to Henry of Scotland together, because they form parts of one whole, with reference to events which happened long before and long after. But the grant of Cumberland and the grant of Northumberland were separated by a space of several years and by important events, by warfare in which the Scottish King was defeated in a great battle, but was successful in the war. A squabble about precedence at the English court led to an almost immediate breach of the good understanding between David and Stephen.[1] And a not unnatural advantage was taken of it by the Scottish King to withdraw his son's homage. The next year war was threatened; but a short truce was agreed on, and, as soon as the truce was expired, David again threatened war unless Northumberland was granted to his son.[2] When this was refused, that great invasion came which was marked by such pitiless havoc on the part of the Scots, by their first victory at Clitheroe,[3] and by their great defeat near Northallerton in the Battle of the Standard. Gathered around the consecrated standard, under the banners of the local saints, the banners not only of Saint Peter of York, but of the holy men of English blood, John of Beverley and Wilfrith

Renewed disputes between Stephen and David.

Truces. 1137.

David invades England; Battle of the Standard. 1138.

[1] Cf. the Chronicle, 1135, with Richard of Hexham, 313, John, 258. The Melrose Chronicler (1137) makes Archbishop Thurstan obtain a respite.

[2] Richard, 315; John, 259.

[3] John, 261. The battle is also referred to by the Galloway men in Æthelred, 342.

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of Ripon,[1] the men of Northern England, stirred up by their Archbishop,[2] beat back the motley host of the invaders. The glory of victory fell to England, but its substantial gain fell to Scotland. When, through Stephen's Queen Matilda,[3] peace was made in the year after the battle, all Northumberland, except the fortresses of Newcastle and Bamborough and the lands belonging to the churches of York and Durham, were granted as an earldom to her cousin Henry.[4] Henry received the homage of the ceded lands, pledging to observe within his new dominions the laws of King Henry his uncle.[5] The names of the hostages who were given on the Scottish side are a good comment on the mixed population of the northern kingdom. The hostages were to be the sons of five earls of Scotland. Two of them bear Celtic names which seem to have puzzled the English historian. Another was the son of an Earl Fergus, but the other two severally represent the Norman and the genuine English settlers in Scotland. One was the son of Hugh of Morville; another was a son of the younger Earl Gospatric. This is perhaps his natural son Eadgar, who stands charged, with two other comrades of English descent, with sacrilegious incursions on the lands of the church of Hexham.[6] The fiefs now granted re-

Northumberland granted to Henry. 1139.

Hostages, Scottish, Norman, and English, given by David.

Eadgar son of Gospatric.

[1] The standard and the banners are described by Richard, 321; John, 262; Æthelred, who ought to be more full, is less so. The name is recognized by the Chronicler, 1138, who says that the Northern army "flemden þe king æt te Standard, and sloghen suithe micel of his genge." Cf. Hen. Hunt. 222 *b*; Cont. Flor. 1138.

[2] Will. Neub. i. 5.

[3] John of Hexham, 265.

[4] See above, p. 260. The exception of Hexhamshire and the land of Saint Cuthberht, that is the outlying parts of it, is given by Richard of Hexham, 330.

[5] R. Hexham, u. s. "Leges quoque et consuetudines et statuta quæ rex Henricus avunculus ejus in comitatu Northumbriæ statuerat per omnia ibi immobiliter custodire debebat."

[6] Their names are given by Richard of Hexham, 323, as "Eadgarus, filius nothus Cospatrici comitis, et Robertus et Uctred filii Meldred." Robert son of Maldred is another case of the law which we have so often come across.

mained in Scottish possession during the rest of Stephen's time. We find Earl Henry taking his place at the English court, though still exposed to insult on the part of Randolf Earl of Chester, his rival for the possession of Cumberland.[1] King David also himself appears more than once in England in the train of his niece the Empress.[2] It was not till England was ruled by another Henry who rivalled the vigour of the first that her northern border again became what it had been in his day.

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Disputes between Henry and Randolf Earl of Chester.

David supports Matilda in England.

I have passed hurriedly over the great Battle of the Standard as simply one event in a rapid sketch of the relations between England and Scotland. It had, as we have seen, but little practical effect on the objects of the war. Yet the Battle of the Standard is one of the most striking events in the history of the age. It is one of two or three great actions in the open field in a time when we hear much more of sieges and skirmishes than of pitched battles. And it is an action in which, as at Tinchebrai, though the chiefs are Norman, the tactics are English. When the time for fighting comes, the horsemen, like Brihtnoth or Harold, get down from their steeds and fight on foot.[3] It is full of striking incidents, and it is

Character of the Battle of the Standard. August 22, 1138.

[1] See the story in John of Hexham, 268. The King and Queen act as Henry's friends.

[2] Will. Malms. Hist. Nov. iii. 48, 50.

[3] This fact is marked in all the accounts of the battle except in that of Henry of Huntingdon. The Continuator of Florence, 1138, speaks of "Regii barones cum militibus progressi, qui omnes de equis suis descenderant;" and directly after, "Nostri pedites erant, et omnes equos suos longius abduci fecerant." The Northern writers say the same, and give the ancient reason. Æthelred, 342; "Ut spes fugæ cunctis penitus tolleretur, equos omnes longius amoventes pedestri more congredi decreverunt, aut mori aut vincere cupientes." John of Hexham, 262; "Universus exercitus circa Standard convenit, ne quis de fuga præsumeret, equis procul amotis; omnes autem mori aut vincere pro patria unanimiter decernentes." From the older writer Richard however it appears that some still kept their horses; "Maxima pars equitum equis relictis fiunt pedites." Directly afterwards he speaks of "equestris cohors." The mounted part of the Scots, that is, according to Henry of Huntingdon, the English and Norman

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told us at great length by more than one writer.[1] For our purpose it is less important to dwell on it as a military exploit than as a witness to several points of importance in the history of the fusion of races. It is the last time when, in an harangue addressed to an army which is described as English, an appeal is made to Norman feelings and to the pride of Norman exploits.[2] This fact is equally to be noticed, whether we believe the speech to be really genuine, or whether the historian, after the manner of historians in such cases, has himself composed such a speech as was deemed to be in character with the speaker. Such an appeal, addressed to an army of which a great numerical majority must have been English, is of course a sign of the times; but it is a sign of the times which may easily be read wrong. It is the line of thought natural to a man of Norman descent; but it is a line on which such a man would never have ventured to English hearers, unless he had felt that the old wrongs had been by that time pretty well forgiven. It is the same feeling which leads the Celtic and Teutonic inhabitants of Scotland to unite in seeing matter for national

Last appeal to Norman feelings.

Indirect witness to the fusion of races.

settlers ("Angli et Normanni qui patris [regis David sc.] familia conversabantur"), also left their horses. It is only Henry of Huntingdon (222 *b*) who speaks of the "acies equitum nostrorum loricata" as the chief arms of the English, and directly after he speaks of "milites loricati pede persistentes et immobiliter coacervati."

[1] We have a special tract on the battle by Abbot Æthelred, which contains the long speech of Walter of Espec of which I have made some mention in Appendix W. Walter, the founder of his own monastery, is of course his chief hero. Henry of Huntingdon has also a full account, in which Walter's place as orator is taken by Ralph Bishop of Orkney, who in any case was there. Æthelred, it must be remembered, was a personal friend of King David. We have also full accounts in the two Hexham writers, of whom Richard at least was strictly contemporary. The other Northern writer, William of Newburgh, i. 5, cuts the matter shorter than one would have looked for. The Continuator of Florence tells the story at some length, but this part of the Gesta Stephani is imperfect. Nor must we forget the lively trochaics of Serlo, X Scriptt. 331.

[2] See Appendix W. Benedict (i. 52) makes Earl William of Arundel copy the language of Bishop Ralph before the intended battle of Breteuil in 1173, where the "proceres Normannigenæ" is more in place.

pride alike in every fight in which the Saxon overcame the Gael, and in every fight in which the Gael overcame the Saxon.[1] And I do not doubt that there may be some who have read my own pages with a sympathy as deep as my own for England and for Harold, who would yet feel themselves wounded in the tenderest point, if any harsh stroke of the critical pruning-knife should cut away the cherished belief that their own forefathers came over with William the Bastard. The beginnings of such a feeling are to be seen in a speech spoken by, or devised for, the aged Walter of Espec, the brave and pious founder of the Yorkshire Cistercians, the encourager alike of French literature and of English historical study.[2] It is yet more curious to mark the way in which one portion of the Scotch army, the fierce Celts of Galloway, are described as speaking of their enemies. They speak of them, at least of the Norman part of them, as Frenchmen.[3] But the most instructive lesson to be learned is the insight which the battle as well as the treaty gives us into the strangely mixed population of the Scottish realm. The host of the barbarians, as the Hexham writers delight to call them, was a mixed multitude who are described as Normans, Germans, English, Northumbrians, Cumbrians, men of Teviotdale, men

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Speech of Walter of Espec.

Use of the word "Galli" by the Celts of Galloway.

Mixture of nations in David's army.

[1] See Macaulay, iii. 367.

[2] See above, p. 232, and Appendix W. Of Walter's literary side I shall have to speak in a later Chapter.

[3] Æthelred, 341, 342. The Galloway men are made "dicere se felicissimos quos in illud tempus fortuna servaverat quo Gallorum sanguinem bibere potuissent." One man says to his comrade, "Ecce quot hodie Gallos solus occidi." And their chief says to David, "Quid Gallis Cliderhou profuere loricæ?" Directly after he speaks of the "Galli" in the Scottish army. But Serlo gives us our revenge when he attributes to these very Galloway men a physical peculiarity which some have thought to be common to all Englishmen, and others to be distinctive of Kentishmen only;

> "Scotti vero dum grassando efferant immaniter,
> Ad congressum belli primum terga vertunt pariter.
> Truces quoque Gawedenses tremebundi fugiunt,
> Et quas prius extulerunt caudis nates comprimunt."

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of Lothian, Picts of Galloway, and the proper Scots last of all.[1] Some add that, besides the whole force of David's kingdom, there came many who were not his subjects from the Western Isles and from the earldom of Orkney.[2] These last at least were fighting against their spiritual pastor, for Ralph Bishop of Orkney, a suffragan of the see of York, played a prominent part as the spiritual counsellor of the English army.[3] The reckoning of nations in the roll-call of David's host is hardly a logical division. By Normans and English we are doubtless to understand Norman and English settlers in the strictest sense. The men of Lothian now form a class apart, neither English nor Scottish; the English character of their country was perhaps less clear now than it had been forty years before. By Germans we may guess that Flemish mercenaries are meant; and these, like the Normans and English, must have met with enemies of their own nation in the ranks of the southern army. In this list too, as in some other places, Normans are spoken of in a way which certainly cannot mean descendants of the Conqueror's followers, but must mean mercenaries hired from Normandy, as other mercenaries were hired from Flanders.[4] And, perhaps more instructive than all, both from the names of the persons concerned, and from the illustrations which it gives us of law and manners, is the tale of two great chiefs

The Orkney men and their Bishop.

Normans and English.

Germans or Flemings.

Robert of Bruce and Bernard of Balliol.

[1] Richard of Hexham, 316. "Coadunatus autem erat istè nefandus exercitus de Normannia, Germanis, Anglis, de Northymbranis et Cumbris, de Teswetadala, et Lodonea, de Pictis qui vulgo Galleweienses dicuntur, et Scottis; nec erat qui eorum numerum sciret." So the Continuator of Florence; "Innumerabilem habuit exercitum, tam de Francis, quam de Anglis, Scottis, et Galweiensibus, et de omnibus insulis quæ ad se et ad suum dominium pertinebant."

[2] Æthelred, 337. "Rex Scottorum innumerabilem coegit exercitum non solum eos qui ejus subjacebant imperio, sed et de insulanis et Orcadensibus non parvam multitudinem accersiens."

[3] Ib. 345. See above, p. 214.

[4] Æthelred (337) speaks of Walter of Ghent as "validissimam manum de Flandrensibus et Normannis adducens."

of the border-land, Robert of Bruce and Bernard of Balliol. CH. XXIII.
The bearers of these great names appear in a character most honourable to them. It is strange to find the Scottish army, under a King like David, one so undoubtedly pious, just, and merciful in the government of his own kingdom, standing charged with excesses far surpassing even the ordinary licence of warfare in those times. Every form of cruelty and sacrilege is attributed to them.[1] No doubt all tales of this kind are sure to be exaggerated; the brutal deeds of a few ruffians are likely to be magnified by the sufferers into the common practice of a whole army. Still there is enough to show that David had let loose on the country a horde of barbarians whom he could not control, and that things were done by them which would not have been done by a regular Norman or English army under King Henry. That the cruelty of the Scots surpassed all ordinary bounds is plain from the rebukes given to them next year by the papal Legate, Alberic Bishop of Ostia, who obtained a promise that some limits should be put to the horrors of war, that at least women and children and consecrated places should be spared.[2] And, if the deeds of this campaign stirred up the righteous indignation of a foreign priest, they no less stirred up the righteous indignation of the two noble warriors who had seen them with their own eyes. Robert of Bruce and Bernard of Balliol were men who were entangled in one of those strange conflicts of duty which so often arose out of the complications of feudalism. English barons of Norman descent, they were still the men of the King of Scots. Bernard seems to have been bound to him only by that casual kind of homage which we sometimes come across in those days,

Cruelties of the Scottish army.

Rebuke of the Legate Alberic.

Intercession of Robert and Bernard.

[1] The details of their cruelties are given at great length by Æthelred, 341; Richard, 316; John, 260. Cf. Hen. Hunt. 222 (where he speaks of an earlier time); Ord. Vit. 917 B.

[2] See Rich. Hex. 326.

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Relations between Bernard and Robert.

such a homage, it may be, as that by which Harold bound himself to William.[1] The tie between Robert and the Scottish King was a nearer one. He had spent a great part of his life in the faithful service and intimate friendship of David.[2] Both these barons went and prayed the King to hold his hand, to turn back, and to put an end to horrors which no one believed were done by his own command.[3] Let him cease from his invasion, and they pledged themselves to get for him the object which he professed to be seeking, the Northumbrian earldom for his son.[4] The gentle heart of David was minded to yield, but his sterner nephew William kept the King back from the biddings of mercy and sent away the lord of Bruce with insult. On this, in a form not uncommon in those times, Robert and Bernard both defied David, that is, they withdrew themselves from all the obligations towards him which they had taken on themselves by the act of homage.[5] Then came the battle and all that followed it. But in the two men who stand forth as the champions, not only of England but of outraged humanity, men whose name and lineage is in so strange a way a common possession of Normandy, England, and Scotland, we seem to see a kind of fore-

Robert of Bruce insulted by the King's nephew William.

Robert and Bernard "defy" David.

Later history of the houses of Bruce and Balliol.

[1] See vol. iii. p. 249.

[2] See Richard of Hexham, 321; Æthelred, 343. Any one who compares the two passages will see that the Hexham and the Rievaux writer do not place the intercession of Robert and Bernard at quite the same time. It strikes me that Richard gives the historical account, and that Æthelred has, for dramatic effect, moved the speech of Robert—he says nothing about Bernard—to the very eve of the actual battle.

[3] The words put into Robert's mouth by Æthelred, 344, are very emphatic; "Vidisti, O rex, abominationes pessimas quas fecerunt hi. Vidisti inquam, vidisti, horruisti, flevisti, pectus tutudisti, clamasti contra tuum id fieri præceptum, contra tuam voluntatem, contra tuum decretum."

[4] Richard, 321. This is not mentioned by Æthelred. It might perhaps have taken off something from the effect of the purely moral appeal which in his version Robert makes to David.

[5] On *diffidatio*, a word which has a good deal changed its meaning in the modern use of *defiance*, see Ducange in voc.

shadowing of the history of their more famous descendants. CH. XXIII.
The momentary homage of Bernard of Balliol to the Scottish King might seem to prefigure the momentary reign of his descendant over the Scottish kingdom. The long service of Robert of Bruce has its antitype in the lasting dynasty founded by another of his name, a dynasty through which England first lost her claim to the overlordship of Northern Britain, but through which in a later generation the old wounds were healed by the peaceful union, first of the crowns and then of the kingdoms.[1]

State of Wales.

If the peace on the side of Scotland which had been so well kept during the reign of Henry came to an end at once on the accession of Stephen, the same was yet more sure to be the case on the border of Wales. No British prince had an Imperial kinswoman to support as a claimant for the English Crown, nor had any British prince any hopes or claims on English earldoms as an appanage for his son. But the Britons had, what the Scots had not, Norman and English enemies to strive against in their own land, and the settlement of the Flemings by the late King seems to have been felt as the greatest grievance of all. Nor was this wonderful. The Norman chiefs, with their followers of Norman, English, and every other race, might build their castles on soil which had once been held by British owners, and they might bring as large a part of the land as they could into subjection. But they did not altogether displace the folk of the land. But, wherever King Henry had planted his Flemish colonies, the new settlers did so. In the Flemish districts of Pembrokeshire and Glamorgan, by whatever means, whether by actual massacre or by mere driving beyond the frontier, the British inhabitants vanished. The land received, and

The Flemish settlements.

[1] How the Scottish invasion has been mistaken by a foreign writer for a Danish one, see Appendix EE.

CH. XXIII. it has kept to this day, a new people, a new language, a new local nomenclature. In short, the settlement of Robert Fitzhamon, Gilbert of Clare, and their fellows in Wales simply answered to the settlement of themselves or their fathers in England, while the settlement of the Flemings in Dyfed and Gower answers to the earlier settlement of the Angles and Saxons in the larger part of Britain. It was no wonder then that, when the strong hand of Henry was withdrawn, the Welsh rose in revolt, and that their first attack was made on one of the Flemish colonies. They first burst into Gower; they then slew Richard son of Gilbert of Clare, and two brothers, Owen and Cadwalader, the sons of Gruffydd the son of Cynan, men who are the subject of an enthusiastic panegyric from the native Chronicler, and destroyed most of the castles in the land of Ceredigion. They even overthrew the foreign settlers of whatever race in a fight by the banks of the Teifi which seems to have deserved the name of a pitched battle.[1] For two years Stephen sent troops under a succession of commanders to bring back the revolted Britons to submission. One of his captains awakens some interest from his name and descent. This is the lord of Ewias, Robert, the son of Harold, the son of Ralph, the son of Drogo of Mantes and of Godgifu the daughter of King Æthelred.[2] But neither

Revolt of the Welsh. 1136–1137.

Welsh War.

Robert of Ewias.

[1] The Welsh war is described in the Gesta Stephani, 9–16, by the Continuator of Florence, 1136–1137, and in the Annales Cambriæ and the Brut, 1135–1137. The Continuator of Florence under the latter year strongly brings out the great grievance of the Flemish settlement; "Walenses in defensione suæ nativæ terræ, non solum a Normannicis divitibus, sed etiam a Flandrensibus multa perpessi." So the Margam Annalist (1136); "Tota Wallia in discordiam commota est, rupta pace inter Walenses et alienigenas; maxime propter Flandrenses eos quasi ex medio affligentes." And it falls in with this that, according both to his own account and to that of the Gesta, the first attack was made on Gower, a district which seems to have puzzled the English editors of both works.

[2] "Robertus filius Heraldi, vir stemmatis ingenuissimi," mentioned in the Gesta, 13, is clearly the son of Harold the son of Ralph. See vol. ii. p. 632. Another son, "Johannes Haroldi filius," appears as holding his father's

Robert, nor Miles, afterwards Earl of Hereford, nor Baldwin of Clare, nor Payne Fitz-John, whose death is recorded and lamented,[1] could do anything really to subdue these stubborn enemies. Robert does not seem to have imitated the cowardice which his grandfather showed in warfare with the same enemies; but he at least had no better luck than he had. At last the King, seeing how little came of war with the Welsh, how much both Normans and Flemings suffered at their hands,[2] and having his own hands full elsewhere, thought best to leave the Britons to themselves.[3] During the rest of the time of anarchy, the English writers tell us little of the Welsh, save when they appear once or twice, as in earlier times, as auxiliaries or mercenaries in English warfare. The native chronicles are full of entries during this time. We hear of some Norman successes against the Welsh, but of many more Welsh successes against the Normans.[4] And, far oftener than either, we hear, as ever, of the feuds and slaughters of the Britons among themselves.[5] But one point must be specially noticed; the Welsh chiefs had learned from their invaders the policy of building castles, as bulwarks alike against the strangers and against one another. During these years, when so many castles were rising in England, several are recorded to have risen in Wales also at the bidding of

CH. XXIII.

The Welsh left to themselves.

Castles built by the Welsh.

other lordship of Sudeley in the Continuator of Florence, 1139. These and several other sons of Harold of Ewias appear in the Gloucester Cartulary, i. 285–287.

[1] Gesta, 16; Cont. Flor. 1137.

[2] The Continuator, just after the passage which I quoted in the last page, says, "Pluribus utrinque peremptis, devictis tamen ad ultimum Flandrensibus." But it is clear that the settlements of the Flemings were not seriously interfered with, for they are there still.

[3] Gesta Steph. 13. He goes on to show how this policy answered in the Welsh destroying one another.

[4] In 1145 and 1146 the Annales Cambriæ record successes of Hugh of Mortimer and Count Gilbert against the Welsh, but they stand almost alone. The Brut has many long stories the other way.

[5] See the entries in the Annales under 1138, 1140, 1142, 1143, 1144, 1146, 1153, and in the Brut, 1151.

CH. XXIII. Welsh princes. Most of them lie along the central seaboard of Ceredigion or in other parts of the South;[1] but it shows how much the power of England must have gone back through the civil wars, when we find a Briton entrenched on ground bearing the name of a Northumbrian Bretwalda. Six years before the death of Stephen, Madoc the son of Meredydd is recorded to have built the castle of Oswestry.[2]

Beyond the sea, Normandy felt the loss of its great ruler even sooner than England. It does not seem that there was at first in the duchy any party openly in favour of the Empress, though no doubt Earl Robert was biding his time till he could put forward the rights of his sister. The general feeling in Normandy, as in England, looked for a sovereign, not to Anjou but to Chartres. The sons of Adela seemed to both countries to be the truest representatives of the Conqueror. But, naturally enough, Norman and English feeling did not light on the same member of her house. England had naturally looked to Stephen, the favourite nephew of Henry, the man known and popular in the kingdom, the husband of a wife sprung of the blood of Ironside. Normandy no less naturally looked to the elder son of the renowned Countess, the wise ruler of a neighbouring land, who, if he had not stood to his uncle in the same close personal relation as his younger brother, had been throughout his most faithful ally in policy and warfare.[3] The voice of the Normans was for Count Theobald as their Duke. But, when they heard that Stephen had been received as King in England, a sense of the advantage of keeping up the union between the two countries prevailed, and, with Theobald's consent, his younger brother was acknowledged.[4] But Stephen's authority was merely

Feeling in Normandy in favour of Theobald.

Stephen acknowledged in Normandy. December, 1135.

[1] See the Brut, 1148, and the Annales, 1151.

[2] Ib. Oswestry appears in the Annales as "Croes Oswald," and in the Brut as "Croes Hyswallt."

[3] See above, p. 180.

[4] Ord. Vit. 902 D, 903 A. So Robert de Monte, 1135 (Pertz, vi. 492).

nominal. Normandy remained without a ruler;[1] the anarchy of the days of Robert came back; the land was torn in pieces by civil brawls, and the poor longed for their prince to come and keep back the evil-doers from mischief.[2] Besides this, while Stephen, though elected, was not yet crowned, Geoffrey of Anjou, acting, so we are told, as the mercenary soldier of his wife,[3] invaded Normandy in her interests, and through treachery obtained possession of several fortresses, among them of King Henry's own Domfront. The war went on with some stoppages; Count Theobald maintained the cause of his brother,[4] while a most important ally appeared on the side of Geoffrey, no other than William the Tenth, Duke of Aquitaine and Count of Poitiers,[5] the son of that crusading William whose dominions William Rufus had purposed to annex.[6] But at last Stephen came, and presently he received some confirmation of his doubtful possession in the form of an investiture by his French over-lord and a homage done to Lewis by Stephen's son Eustace.[7] But whatever popularity

CH. XXIII.

Geoffrey of Anjou invades Normandy. December, 1135.

First war with Geoffrey. 1135–1137.

William of Aquitaine helps Geoffrey.

Stephen in Normandy. March, 1137.

Eustace does homage to Lewis. May, 1137.

Orderic says that Stephen was accepted "annuente Tedbaldo;" but he adds in a breath that Theobald was "indignatus quod regnum non habuerit." And Robert speaks to the same effect under 1137. The two states of mind are not inconsistent.

[1] See Ord. Vit. 903 A, 906 C.

[2] When Stephen comes at last (Ord. Vit. 909 A), "pauperum plebs, per integrum annum oppressa et desolata, exsultavit."

[3] This first stage of the Angevin war is recorded by Orderic, 903–910, and Robert de Monte, 1136, 1137. Orderic, 909 B, speaks of Geoffrey as "stipendiarius conjugi suæ factus." Ralph the Black, the steady hater of Henry the Second, gives the matter (92, ed. Anstruther) a turn of his own; "Insurrexerunt in eum [Stephanum] Gaufredus comes Andegaviæ cum uxore sua Matilde, quondam imperatrice, et contenderunt de regno xvii. annis."

[4] Ord. Vit. 903 D, 905 A; Robert de Monte, 1136, 1137. It would seem however that Theobald acted as a mercenary rather than as a prince or a brother.

[5] Ord. Vit. 905 C. He had several lesser allies. [6] See above, p. 99.

[7] The Chronicler (1137) gives the reason why the Normans acknowledged Stephen; "forði þæt hi uuenden þæt he sculde ben alsuic alse the eom wæs, and for he hadde get his tresor ac he todeld it and scatered sotlice." Robert

CH. XXIII. Stephen brought with him he soon lost. He filled the land with French and Flemish mercenaries, and their conduct, above all that of the Flemish captain William of Ypres, soon lost him the hearts of his Norman subjects.[1]

Truce with Geoffrey. July, 1137. A short moment of peace followed the conclusion of a truce with Count Geoffrey,[2] and, before this, Stephen's most powerful continental enemy was taken away. William of Aquitaine, moved by penitence, so we are told, for the wrong which he had done to Normandy, made the pilgrimage to Compostella and died there.[3] His last wish was that his eldest daughter Eleanor should marry Lewis, son of the King of the French, himself already a crowned King by the unction of Pope Innocent at Rheims,[4] and that she should carry to her husband the possession of all his dominions.[5] The marriage took place, and young Lewis received the ducal coronet at Poitiers.[6] Almost immediately after, the elder King died, and his son, as if now lord of all Gaul, received a second coronation in its most central city. At the next Christmas feast, the King of what was really a new monarchy received his crown at Bourges, in the presence of a mighty gathering of

Pilgrimage and death of William of Aquitaine. April 9, 1137.

Marriage of Lewis and Eleanor of Aquitaine. July, 1137.

He succeeds to the French Crown. April, 1137.

de Monte, 1135, says that Earl Robert had carried off a good deal. See Will. Malms. Hist. Nov. i. 17; Cont. Flor. 1137; Ord. Vit. 909 A, B; Hen. Hunt. 222 (cf. Robert de Monte, 1137); "Eustachius filius ejus homo regis Francorum effectus est de Normannia, *quæ Francorum adjacet imperio.*"

[1] Ord. Vit. 909 B, C, D. Robert de Monte, 1137, gives some details.

[2] For two years, according to Orderic, 910 A. The time is three years in Robert de Monte, 1137, accompanied by a yearly payment of two thousand marks. The Hexham writers agree with Orderic, but mention the money, only Richard makes it paid by Geoffrey to Stephen. On this truce see also Walter of Hemingburgh, i. 57. He speaks of Geoffrey's "jus uxorium."

[3] Ord. Vit. 909 A. He was "memor malorum, quæ nuper in Normannia operatus est, pœnitentia motus." Cf. Chron. Mauriniacense, 391, where this motive is not enlarged on.

[4] Ord. Vit. 895 D, 901 B; Suger, 319; Chron. Maurin. 379.

[5] Ord. Vit. 909 A; Chron. Maurin. 381.

[6] Ord. Vit. 911 A. "Ludovicus puer Pictavis *coronatus* est." Cf. Suger, 321; Chron. Maurin. 382.

his whole realm.[1] Thus, for one moment, as long as Lewis and Eleanor remained man and wife, the lands south of the Loire became, what they had never been before, what, save for one moment of treachery,[2] they were never to be again for three hundred years, a part of the dominions of a King of Paris. For the first time, the tongue of *oil* bore rule over the tongue of *oc;* the nation formed by the infusion of the Frank upon the Celt bore rule over the nation formed by the infusion of the Goth upon the Iberian.[3] But the South had not long to bear the unkindly yoke. Few however of those who beheld the bridal and the crowning of Lewis and Eleanor could have dreamed that, while Lewis still lived, another marriage of his bride should hand over the Aquitanian lands to the child who was to unite the claims of Stephen and Matilda. In the French Kings the great cities of the South would have found masters; in the English Kings sprung of Eleanor's second marriage they found allies and protectors. With the will of William the Tenth the chain of events opens which leads on to the day when Simon of Montfort brought forth the seal of the city of Bourdeaux in answer to the calumnies of prelates and nobles,[4] to the day when the citizens of that noble city, wearied of their first taste of foreign conquest, cried once more for help to their Duke beyond the sea,[5] and when our

CH. XXIII.

Momentary union of France and Aquitaine.

Second marriage of Eleanor and Henry.

Later history of England and Aquitaine.

1252.

1451.

[1] Ord. Vit. 915 B.

[2] I refer to the fraudulent dealings of Philip the Fair with Edward the First.

[3] Orderic (911 A) says in a marked way, "Sic regnum Francorum et Aquitaniæ ducatum, quem nullus patrum suorum habuit, nactus est." So in one of the many continuations of Sigebert, Pertz, vi. 459; "Regnum Franciæ et ducatus Aquitaniæ copulantur."

[4] See the letter of Adam Marsh to Robert Grosseteste in the Monumenta Franciscana, p. 122.

[5] There is something pathetic in the cry of the people of Bourdeaux at their first surrender in 1451; "A celle heure ceux de Bordeaux voyans avoir faulte de secours firent faire un hault cry par un herault, lequel crioyt secours de ceux d'Angleterre pour ceux de Bordeaux auquel cry ne fut aucunement respondu ne donné secours." Monstrelet, iii. 36 B. Two years later the succour came under Talbot, and then was the end.

CH. XXIII. 1453. own Talbot died as the champion of Aquitanian freedom against the ever advancing circle of Parisian bondage.

The truce was made; but Normandy was still not free from revolts, and the land was even brought so low as to have to endure the insult of a Breton invasion.[1] The truce itself was broken the next year,[2] and now we find Earl Robert in open alliance with the Count of Anjou.[3] The Earl had sent over to England a solemn defiance to the King, pleading that the oath which he had taken to him was a breach of the earlier oath which he had taken to his sister.[4] Soon after this, the main interest of the story is transferred to England. While Stephen and Robert were waging war, each a captive to be exchanged for the other, Geoffrey was conquering Normandy bit by bit.[5] Again the Normans offered their duchy, and England too, to Theobald. But he declined the offer, and gave his interest to Geoffrey, stipulating only for the release of his brother, and the cession of Tours to himself.[6]

Alliance between Earl Robert and Count Geoffrey. 1138.

Geoffrey's gradual conquest of Normandy. 1139–1145.

For six years the war went on. At last Geoffrey entered Rouen in triumph,[7] and, having gained this crowning

Geoffrey enters Rouen. 1144.

[1] Ord. Vit. 911 C. The invader was from Dol, and we are told that the Norman knights drove him back, "orto clamore pauperis vulgi."

[2] Ord. Vit. 916 B.

[3] Ib. C; Robert de Monte, 1138.

[4] Will. Malms. Hist. Nov. i. 18. "Regi, more majorum, amicitiam et fidem interdixit, homagio etiam abdicato; rationem præferens quam id juste fecerat, quia et rex illicite ad regnum aspiraverat, et omnem fidem sibi juratam neglexerat, ne dicam mentitus fuerat; ipsemet quinetiam contra legem egisset, qui, post sacramentum quod sorori dederat, alteri cuilibet ea vivente, se manus dare non erubuisset." This is a good example of the feudal "diffidatio."

[5] His progress may be traced year by year in Robert de Monte from 1138 to 1144, that is 1145 of the true reckoning. Cf. Roger of Howden, i. 210.

[6] This offer is not recorded by Robert, but it is mentioned by Orderic, 923 B, C, being nearly the last event which he records. His formula is remarkable; "Hugo Rothomagensis archiepiscopus, atque Normanni Tedbaldum comitem adierunt, eique regnum Angliæ et ducatum Normanniæ obtulerunt." His refusal is thus expressed; "Joffredo Henrici regis genero, interpositis quibusdam conditionibus, regium jus concessit."

[7] We have now got past the guidance of Orderic and the pathetic end of

success, he was joined in his further warfare by his allies the Count of Flanders and the King of the French. All Normandy was now his, save the castle of Arques, the seat of one of the Conqueror's early exploits, which held out till the next year in the keeping of a valiant Flemish monk, William by name.[1] Geoffrey was now the acknowledged Duke of the Normans, till, five years later, he resigned the Duchy which he had conquered to his more famous son Henry.[2]

Surrender of Arques and end of the war. 1145.

Henry Duke of the Normans. 1150.

We will now come back to our own island, and go as lightly as may be through these nineteen years of utter lawlessness. English writers speak of the first two years of Stephen as years of prosperity and comparative peace;[3] and so they were. That is to say, there were only isolated revolts; this and that castle was held against the King, but there was not as yet general desolation throughout the land. In these separate struggles Stephen was for the most part successful, especially in the siege and recovery of Exeter, which was held against the King by Baldwin of Redvers.[4] One incident in this siege is

Isolated revolts.

Siege and recovery of Exeter. 1135.

his book. Our fact is recorded by Robert de Monte, 1144, and in the verses of the Draco, i. 218 et seqq. But the long warfare before the surrender of Rouen is summed up in one thunderbolt;

"Interea Gaufridus adest ceu fulmen ab alto,
Neustria concutitur fulgore tacta novo.
Improvisus enim, ceu venti turbine facto,
Turbat eam per se, per sua, perque suos."

[1] Robert de Monte, 1143, 1144. The early stages of Geoffrey's Norman campaign are recorded by William of Malmesbury, Hist. Nov. ii. 70, and it is pithily summed up by our own Chronicler.

[2] Robert de Monte, 1150. "Pater suus reddiderat ei hereditatem suam ex parte matris, scilicet ducatum Normanniæ." So Draco Normannicus i. 225;

"Henricus dux efficitur sudore paterno."

[3] Hen. Hunt. 222. "Hi ergo duo anni Stephano regi prosperrimi fuerunt. Tertius vero mediocris et intercisus."

[4] Chron. Petrib. 1135. This siege of Exeter is recorded by all our authorities, except William of Malmesbury and Orderic. The fullest account is in the Gesta Stephani, 20–28. We here (24) get acquainted with "Aluredus,

CH. XXIII. worthy of notice. When Stephen was inclined to refuse terms of capitulation to the rebels, the barons of his own party pleaded for them that they had taken no oath of allegiance to the King, but had taken up arms only in discharge of their duty to their own lord.[1] This was pushing the feudal doctrine to its extreme point, to the point at which it upsets all regular government. A man's actions are to be guided by his special obligations to this or that man, rather than by that general duty to the commonwealth, and to the King as its head, which comes before all special obligations. But that such a doctrine could be put forth, that it could even be pressed on a King by those who were loyal to him, shows how things had been changed by the accession of Stephen. The doctrine now set forth under the walls of Exeter was that great political heresy which the last conqueror of Exeter had crushed by the law that was passed upon the plain of Salisbury. The doctrine by which Gaul and Germany were split asunder was one which no man would have dared to breathe in the ears either of the Henry who was gone or of the Henry who was to come. On Stephen men did not fear to press it as an acknowledged rule of law. Stephen's admirer tells us how at this time he was striving, and not without some success, to bring back some measure of peace and order in his kingdom.[2] Writers on the other side tell us how he broke all the terms of his charter, especially his engagement to soften the harshness of the forest-laws.[3] More certain than either is the fact that

Stephen's barons plead for the besieged.

Extreme form of the feudal theory.

Its opposition to William's law at Salisbury.

filius Joelis cujusdam illustrissimi viri," that is doubtless Judhael of Totnes. See vol. iv. p. 173. It may be as well to mention that the "Batthentona" of the Gesta is not Bath, but a place in Devonshire. See Lappenberg, 371.

[1] Gesta Stephani, 27. "Addebant et illos non in regiam majestatem jurâsse, nec nisi in fidelitatem domini sui arma movisse." So after the surrender we read that Stephen "cuicumque domino vellent adhærere permisit."

[2] Ib. 14. Stephen's measures are opposed only by those whom Henry had raised from nothing. See above, p. 158.

[3] Henry of Huntingdon (222) mentions one special breach. Stephen

he had to be constantly moving to and fro to meet his enemies in one quarter of the country or another, besides having to march northward to meet the first Scottish invasion and to win a moment of peace by the treaty of Durham.[1] He was thus, as we have seen, unable to cross into Normandy so soon as was called for by his interest beyond the sea.[2] His return is said to have been hastened by tidings of a conspiracy to slay all the Normans in England and to make over the Crown to the King of Scots.[3] The story is very dark and uncertain, and no writer living in England, of any race or party, takes any notice of it. It has of course been seized upon as a sign of the abiding hatred which still reigned between the Norman and the Old-English inhabitants of England.[4] But the one writer who tells the story in no way implies that it was a general national movement. Some perverse men formed such a scheme, and it was found out by its being revealed in confession to Richard Nigel, Bishop of Ely.[5] The mention of this particular Bishop makes us

Alleged English conspiracy against the Normans. 1137.

The scheme found out by the Bishop of Ely.

went to hunt at Brampton in Huntingdonshire (see above, p. 161), "et ibi placitavit de forestis procerum suorum, id est de silvis et venationibus, et fregit votum et pactum Deo et populo."

[1] See above, p. 258.

[2] See above, p. 275.

[3] This story is found only in Orderic (911, 912), and the absence of all mention of it by any author writing in England tempts us to think that the story must be greatly confused and exaggerated. Still it must be the confusion or exaggeration of something which really happened. His words are, "Reversus in Angliam turbatum regnum invenit, et fomentum nimiæ crudelitatis et cruentæ proditionis persensit. Nam quidam pestiferi conspirationem fecerant, et clandestinis machinationibus sese ad nefas invicem animaverant, ut constituto die Normannos omnes occiderent, et regni principatum Scottis traderent."

[4] Thierry of course makes the most of this. It is with him a great epoch, the point when people left off crying "no Normans," and took to crying "no gentlemen." We hear a great deal (ii. 183–186) about "les Anglais de race;" "les Saxons;" "une conspiration nationale;" "un projet de deliverance, conçu de commun accord entre toutes les classes de la population anglo-saxonne."

[5] Ord. Vit. 912 B. "Tanta perversitas et Ricardo Nigello Eliensi episcopo primitus nota per conjuratos nequitiæ socios facta est."

CH. XXIII. ask the question whether now also, as in earlier and later times, any outlaws or patriots were defending themselves among the marshes of his diocese. But, in any case, the notion of a general movement to slay all men of Norman descent, to slay every man one of whose grandfathers might have fought on the invading side at Senlac, is something too wild to be thought of. We might as well take the massacre of Saint Brice for a massacre of all the Danish inhabitants of Northumberland, Lincolnshire, and East-Anglia. The Normans who were to be massacred must have been Norman mercenaries in Stephen's service, and we cannot undertake to say that all who might join in such a conspiracy, all who might seek to transfer the Crown from the incapable Stephen to such a ruler as David, would necessarily be of Old-English descent. If we accept the tale at all, we must accept it as we find it. And in the tale itself there is not a word to fix the nationality of the conspirators. Indeed, as some of them are spoken of as powerful men, high in wealth and honour, the tale rather sounds as if some at least among them were of Norman blood. We are told that, in such a case, Bishop Richard did not respect the seal of confession, but that through him the plot became known to the other prelates and chief men of the land. Many of the conspirators were seized and put to death. Others fled before any charge was brought against them, and left their wealth and honours to be confiscated. The more powerful among them took up arms and made common cause with the Scots, the Welsh, and the other enemies of the country.[1]

Amount of credibility in the story.

Whatever we make of this strange tale, it is certain

[1] Ord. Vit. 912 A. "Nonnulli malitiæ conscii ante accusationem fugerunt, et, accusante propria conscientiâ convicti, relictis omnibus divitiis et honoribus suis, exsulaverunt. Potentiores siquidem, qui rebellionis conscii fuerunt, ad resistendum temere animati sunt, et fœdus cum Scottis et Gualis, aliisque seditiosis et infidis ad perniciem populi pepigerunt."

Stephen comes back to England. 1137.

that Stephen came back to a land which neither Scots nor Welsh nor any other enemies could have torn in pieces more cruelly than it was torn by its own inhabitants. The Scottish war, with all its horrors, is the least revolting part of the picture. Before long, Earl Robert sent his defiance, and his castle of Bristol became the centre of all opposition to the King, or rather of all opposition to law and order in general. In the eyes of the partisans of Stephen, the great merchant-borough, through the fault, it would seem, of its citizens as well as of the Earl's garrison, deserved to be called the stepmother of all England.[1] Bristol being the centre, the part of the kingdom which suffered most was naturally the West and South, and the taking and retaking of castles in this district fill a large part of the annals of the time.[2] But the area of confusion spread over all England south of the Humber. The North was not wholly spared; but its local historians have certainly fewer evil deeds to tell of than those who speak mainly of southern and central England.[3] Now began the time of which the native Chronicler has left us such an imperishable record. It was the time when every rich man his castles made, when the land was full of castle-works, and when, as the castles were made, they filled them with devils and evil men. Those were the days when, if two men or three came riding to a town, all the township fled for them

Robert of Gloucester defies Stephen. May, 1138.

War in South-western England.

Northern England less disturbed.

Picture of the times in the Chronicle.

[1] Gesta Steph. 41. "Totius Angliæ noverca Bristoa." See the whole account of Bristol and the war between Bristol and Bath, pp. 36 et seqq. Compare Will. Malms. Hist. Nov. i. 17; Hen. Hunt. 222.

[2] Besides Bristol, Bath, Exeter, and Hereford, we hear of Harptree, Carey, Wareham, Cerne, Malmesbury, Trowbridge, and above all Dunster, as playing a great part in the early stages of the war. See Ord. Vit. 917 A; Hen. Hunt. 222; Will. Malms. Hist. Nov. ii. 30, 31.

[3] There was a great deal of fighting in Shropshire, and Nottingham and Lincoln presently play an important part. Further north we hear comparatively little. There are some notices in John of Hexham (268, 269, 273), but the outrages there recorded stand rather apart from the general story.

CH. XXIII. and weened that they were reavers.[1] They were the days when wretched men starved of hunger, when some lived on alms that were somewhile rich men, and some fled out of the land. In those days the earth bare no corn, for the land was all fordone by such deeds, and men said openly that Christ slept and His hallows.[2] In this wonderful picture, put forth with all the matchless strength of our ancient tongue, two points stand out before all others. The writer takes no side. He is clearly a loyal subject of Stephen, and he blames the rich traitors who rose up against him; but, in describing the actual horrors of the struggle, he makes no distinction between the party of the King and the party of the Empress. In fact, all thought of anything like political parties, all thought that the contending warriors strove for any cause or principle of any kind, seems to have passed out of his mind. The picture which he gives us is not a picture of ordinary war, not even of ordinary civil war; it sets before us a time of universal lawlessness, when every man who had the power did all the mischief that he could do. The picture is not that of men waging war, even the worst forms of war, against the enemies of their country or of their party. It is the picture of a time when every man who had the means to build himself a castle, made it the centre of general havoc, of spoil for the sake of spoil, it would seem of torture for the sake of torture. Even under our worst Kings in their worst moments, we have as yet heard

Not a picture of regular civil war, but of utter anarchy.

Use of torture.

[1] Chron. Petrib. 1137. The castle-building comes out strongly in Hist. Nov. ii. 19, 34; "Castella erant crebra per totam Angliam; quæque suas partes defendentia, imo, ut verius dicam, depopulantia."

[2] Ib. Mr. Earle (370) asks, "Was it His poor friends or His proud foes that said so?" Henry of Huntingdon (225 *b*) will answer one way; "Quia igitur improbi dicebant Deum dormire, excitatus est Deus." William of Newburgh (i. 11) will answer another way; "Eo [Gaufrido de Magna Villa] sic debacchante videbatur dormire divinitas, et non curare res humanas, vel etiam suas, id est ecclesiasticas: dicebaturque a laborantibus piis, 'exsurge, quare obdormis, Domine.'"

only of mutilation as a punishment for real or supposed crimes. Torture, inflicted either to wring the goods of the sufferer from him or from a mere fiendish delight in suffering, has hitherto been laid to the charge only of Robert of Belesme and of a few more who are branded as exceptional evil-doers. But in this picture we hear little of slaughter, little of the mere general horrors of captivity and bonds. The subject on which the Chronicler is most eloquent is the variety of instruments for the infliction of suffering which were the creation of the cruel ingenuity of the devils and evil men with whom the castles were filled.[1] The other point is that, though we have now reached the age of chivalry, though we ever and anon light on references to the maxims of chivalry, yet the evil-doers of those days, the rich men who were traitors, the lords of the castles which our fathers so deeply loathed, had no regard for rank, sex, or calling. Truly might the Chronicler say of the victims of these days, that never were no martyrs so pined as they were.[2] If the painter's art were to set forth in detail the varieties of torment which he describes, they would make a fit companion piece to the forms of martyrdom which are so grimly portrayed on the walls of Saint Stephen's on the Cœlian Hill. CH. XXIII.

Independence of the lords of the castles.

I feel in no way called on to go into the details of these horrors, or to describe every revolt and every siege of these days of confusion. Every castle became a separate and independent centre of evil. Each lord of such a

[1] The Chronicler gives many details. The famous "rachenteges," as the word is now written, are explained by Mr. Earle as chains. Compare the accounts of the Oriental cruelties of Robert Fitz-Hubert in Will. Malms. Hist. Nov. ii. 30, 36. His blasphemy reminds us of William Rufus.

[2] Chron. Petrib. 1137. So the Continuator of Florence, 1139; "Velut ex inferno emerserunt Neroniana seu Deciana tempora et tormenta." Cf. also the verses in Henry of Huntingdon, 223 *b*;

"Detorquent unctos Domini, simul et mulieres,
Proh pudor, ut redimant, excruciare student."

CH. XXIII. stronghold set himself up as king or tyrant; besides the ravages which spread over all the land within reach of his castle,[1] each lord coined money, and administered what he called justice, in his own name. It will be enough to point out a few of the most striking incidents, and to comment on any points which supply a political lesson. The second of the periods into which I have divided this reign opens with the return of Matilda and the beginning of something more like an intelligible civil war. But there is no doubt that this crisis was hastened by an act of imprudent violence on the part of Stephen. A man of his character, mild, gentle, and merciful, but whose mildness, gentleness, and mercy spring from impulse rather than from principle,[2] will often, in a fit of artificial energy, do deeds from which a man of harsher temper, but greater prudence, would shrink. Such an one too will be easily led to half measures, which only stir up hatred and strengthen opposition, while he shrinks from those measures of extreme severity which sometimes really answer their purpose. Stephen at this

Effects of Stephen's character.

[1] So says William of Newburgh (i. 22); "Castella quoque per singulas provincias studio partium crebra surrexerant, erantque in Anglia quodammodo tot reges, vel potius tyranni, quot domini castellorum, habentes singuli percussuram proprii numismatis, et potestatem subditis, regio more, dicendi juris." On the point of the coinage, John of Hexham (278) says, "Fuit in regno magnum dispendium, unusquisque enim ad adinventionis suæ libitum corrupit monetæ et numismatis pretium." Roger of Howden (i. 210) refers to this when he records the coming of Duke Henry in 1149; "Fecit monetam novam, quam vocabant monetam ducis; et non tantum ipse, sed omnes potentes, tam episcopi quam comites et barones, suam faciebant monetam. Sed ex quo dux ille venit, plurimorum monetam cassavit."

[2] Stephen's clemency was sometimes at least thought excessive. Roger of Wendover (ii. 219) says that Stephen, "pravo usus consilio, non exercuit vindictam in proditores suos, unde postea restiterunt ei, et plurima contra eum castra nequiter firmaverunt." This is characteristically improved by Matthew Paris (Hist. Angl. i. 254); "Rex, quorundam effeminatorum et pusillanimium pravo usus consilio, debitam vindictam in captos suos non exercuit proditores, unde multa ei postea mala machinabantur secundum illud propheticum, Misereamur impio, et non discet facere justitiam."

time, by an act of this kind, contrived to increase the number of his enemies among the class whose enmity was just then most dangerous. The King whose right to the Crown had been confirmed by the Pope contrived to turn all ecclesiastical feeling against him, and to make an enemy of the great prelate who was at once the Pope's Legate and his own brother. CH. XXIII.

Greatness of Roger Bishop of Salisbury; his son and nephews.

Roger, Bishop of Salisbury, has been often spoken of already as the chief counsellor of King Henry. Two of his nephews—some whispered that they were his sons—held two great bishopricks. Richard Nigel[1] held the see of Ely, and Alexander that of Lincoln.[2] An avowed son, whose mother, the Bishop's mistress or unacknowledged wife, plays a part in the story, was the King's Chancellor, and was known, in opposition doubtless to the great places held by his brothers or cousins, as Roger the Poor.[3] The Bishop of Salisbury himself and his episcopal nephews had given much offence and scandal by their overweening worldly pomp and by their special passion for building castles. At the bidding of Roger himself arose that great castle of Sherborne which witnesses to the improvements which he wrought in the building art. By another of his fortresses he had encroached on the rights of the monks of Malmesbury, and men said that his castle of the Devizes, raised on a mighty mound of elder days, was surpassed by no building of its kind in Europe.[4] These bishops then were dangerous

Their castles.

[1] He sat from 1133 to 1169.

[2] See above, p. 217.

[3] In the Chronicle, 1137, "te canceler Roger hise neue." In Will. Malms. Hist. Nov. ii. 20, he is "cancellarius, qui nepos esse, vel plusquam nepos ejusdem episcopi ferebatur." In the Gesta Stephani, 50, he is "summus illius [regis] *antigraphus* Salesbiriensis episcopi filius." In the Continuator of Florence he is "filius Rogerus, Paupere-censu cognomine." See in Orderic, 920 A; "Rogerius filius pontificis, cognomento Pauper." He gives us the name of his mother; "Mathildis de Ramesburia, pellex videlicet episcopi." But she may very well have been his wife.

[4] The castle-building of these bishops and the scandal which it gave comes

CH. XXIII. Roger's loyalty suspected.

persons, and the loyalty of the Bishop of Salisbury was strongly suspected. He seldom obeyed the King's summons to courts and assemblies, and it was believed that he was actually plotting with the Empress and her partisans.[1] The King, it is said, was strongly stirred up against him by his advisers, especially by Waleran Count of Meulan, the rebel of the days of Henry, to whom Stephen had, early in his reign, given his infant daughter in marriage.[2] At last an opportunity came at a Great Council held in Oxford. The Bishops, it is said, came most unwillingly, Roger having a special foreboding of evil to come.[3] A disturbance arose between the followers of the Bishop and the followers of Count Alan of Richmond. This was made an excuse for seizing the Bishops of Salisbury and Lincoln; Richard of Ely was lucky enough to escape to his uncle's fortress of the Devizes, which was, it would seem, left to the keeping of the Chancellor's mother.[4] The details of the story are differently told in different accounts, but it is clear that the captive Bishops were treated with great harshness. The castle of the Devizes was besieged till its surrender was obtained by threats of hanging the Chancellor, and by keeping his father without meat or drink.[5]

The Bishops of Salisbury and Lincoln seized at Oxford. June 24, 1139.

out in most of our writers. Hist. Nov. ii. 1, 19, 21; Hen. Hunt. 223; Will. Neub. i. 6. Alexander atoned somewhat by pious foundations, one of which arose on the forsaken episcopal site of Dorchester.

[1] Ord. Vit. 919 C, D. Cf. Gest. Steph. 46–49. [2] Ord. Vit. 903 C.

[3] William of Malmesbury (Hist. Nov. ii. 20) describes his feelings at length. The Continuator of Florence also says that he went "nimis invitus, utpote jam amplius non reversurus."

[4] The defence of the castle is mentioned in all our authorities, as it is indeed the central point of the story. But it is only Orderic (920 A) who brings out the vigorous action of Matilda of Ramsbury.

[5] It is the Continuator of Florence, who is not unfavourable to Stephen, who brings out most strongly the harsh captivity of the Bishops. Roger was kept "in bostario in locum præsepio;" Alexander "sub vili tugurio." In the Gesta (50) we read, "Jussit ut, locis ab invicem seclusi inhonestis, acribus macerarentur jejuniis." So Henry of Huntingdon, who adds that the Bishops were "nihil justitiæ recusantes et judicii æquitatem devotissime poscentes." According to William of Malmesbury and the Continuator,

In the end all the other castles of the two Bishops, Salisbury, Sherborne, Malmesbury, Newark, and Sleaford, were given into the King's hands, and the Bishops, it is sarcastically said, were sent back to their duties in their dioceses.[1] CH. XXIII.

We may be sure that either Henry or his father would have found some other way of dealing with these dangerous prelates. It is plain that there was perfectly good ground for bringing a legal charge against them, and either of those wise Kings would have known how to deal with them according to the forms of law. Stephen's illegal violence simply set men wondering how one who was so mild and soft and good should do such a thing;[2] and the imprisonment and harsh treatment of the Bishops lost him far more in the way of general good will, especially among the ecclesiastical order, than he gained in the way of strength by seizing the castles and their stores. What followed certainly could not have happened in any earlier reign. An ecclesiastical synod came together to sit in judgement on the King. Theobald, the third of the Primates whom the house of Bec gave to England,[3] had lately succeeded William of Corbeil in the see of Canterbury;[4] but he had not succeeded him in his office of Legate, which letters from Pope Innocent had lately bestowed on the King's brother, Henry Bishop of Winchester.[5] The Bishops gathered at

Imprudence of Stephen's conduct.

Theobald Archbishop of Canterbury. 1139–1161.

Henry Bishop of Win-

Roger fasted three days as a freewill offering for his son, to move the heart of the Bishop of Ely to surrender. Cf. Maine, Early History of Institutions, 39. Orderic makes Matilda offer her own life for her son.

[1] Ord. Vit. 920 B. "Episcopi cum pace in parochias suas reversi sunt." The Tewkesbury Annals, 1139, say of Roger, most inaccurately, "obiit in carcere."

[2] It is now that the Chronicler adds, "þa the suikes undergæton þæt he milde man was and softe and god, and na iustise þe dide, þa diden hi alle wunder."

[3] See vol. ii. p. 215.

[4] The Chronicler places the death of William and succession of Theobald in 1140, and his expression is remarkable; "te king *makede* Teodbald ærcebishop þe was abbot in þe Bec." (Mark that "the beck" still keeps its article.) But Theobald was consecrated Jan. 8, 1139.

[5] Will. Malms. Hist. Nov. ii. 22.

CH. XXIII. Winchester [1129–1171], Papal Legate.

Winchester around the Primate and the Legate. Henry was the first to set forth the crime of his brother, and to profess that the nearness of his kindred should in no way stay his hand from executing any sentence which the Primate and his brethren should decree against the guilty King. Stephen, it seems, was actually summoned before the synod, and he did appear, if not in person, yet by counsel. He sent certain Earls as his representatives, and with them Aubrey of Vere,[1] a man learned in the law, who set forth the crimes of the imprisoned Bishops, and drew much the same distinction as had been supplied by Lanfranc to the Conqueror in the famous case of Odo.[2] The Bishop of Salisbury made his answer. Archbishop Hugh of Rouen argued that the King might lawfully seize the Bishops' castles, because Bishops had no right to have castles, and because in such troubled times any loyal man ought to be glad to put his castle into the King's hands.[3]

Synod at Winchester.

The King arraigned before the Bishops. August 29.

Question of appeals to Rome.

The Bishops threatened to accuse the King at Rome. Stephen answered by his counsel, that it should be the worse for any one who went on such an errand against the King's crown and dignity; directly afterwards he gave up his own cause by saying he meant to appeal to the Pope himself.[4] In the end no formal censure seems to have been pronounced; but, according to one account, Stephen submitted to some kind of penance.[5] Yet he steadily refused to hearken to any entreaties to give back

[1] Will. Malms. Hist. Nov. ii. 23. "Albericus quidam de Ver, homo causarum varietatibus exercitatus." His name often appears in Henry's Pipe Roll; he was killed in 1141. See R. Howden, i. 205.

[2] See vol. iv. p. 684.

[3] Will. Malms. Hist. Nov. ii. 26. "Certe, quia suspectum est tempus, secundum morem aliarum gentium, optimates omnes claves munitionum suarum debent voluntati regis contradere, qui pro omnium pace debet militare."

[4] Ib. 27.

[5] So says the author of the Gesta, 51; "Ecclesiastici rigoris duritiam humilitatis subjectione mollivit, habitumque regalem exutus, gemensque animo, et contritus spiritu, commissi sententiam humiliter suscepit."

the castles and stores which he had seized.[1] Before the year was out, Bishop Roger of Salisbury was dead; his death was commonly believed to have been hastened by the harshness of his treatment during his imprisonment.[2]

Death of Bishop Roger. December 4, 1139.

Soon after Stephen had by this act lost the good will of a most important class of his subjects, came the great crisis of his reign. Geoffrey of Anjou had already begun the process of swallowing Normandy, in Savoyard phrase, like an artichoke. His wife now risked herself in England. Earl Robert came over with his sister the Empress, and the second and most stirring stage of the war began. They landed at Portsmouth, and were first of all received by Matilda's step-mother, a step-mother perhaps younger than herself, King Henry's widow Adeliza, who now held the castle of Arundel with her second husband, William of Albini.[3] Stephen was at that moment besieging Marlborough. He marched towards Arundel, but Robert was already on the road for his own castle at Bristol.[4] Stephen, with the ill-timed generosity which marked his character, allowed the Empress to join her brother, even giving her an escort under the command of his brother the Bishop of Winchester, whose loyalty, since

The Empress lands in England. September 30, 1139.

Queen Adeliza and William of Albini.

Stephen's generosity to Matilda.

[1] Will. Malms. Hist. Nov. ii. 28.

[2] So says William of Malmesbury (Hist. Nov. ii. 32) expressly, and as much is implied when the Continuator of Florence says that he was "præ dolore et tristitia infirmatus," and Henry of Huntingdon that he was "tam mœrore quam senio confectus."

[3] Will. Malms. Hist. Nov. ii. 29; Ord. Vit. 920 B; Hen. Hunt. 223; Cont. Flor. Wig. 1129. None of these writers mention Matilda's second husband. But he appears in Robert de Monte, 1139; "Invitaverat enim eos Willermus de Albinneio, qui duxerat Eliz quondam reginam, quæ habebat castellum et comitatum Harundel, quod rex Henricus dederat ei in dote."

[4] Earl Robert's works at Bristol are sung by his namesake, ii. 433, ed. Hearne;

"And he brozt in gret sta þe toun, as he zut ys,
And rerde þer an castel myd þe noble tour,
At of alle þe tours of Engelond ys yholde flour."

CH. XXIII. the wrong done to his episcopal brethren, was beginning to be doubtful.[1] A crowd of enemies now arose against Stephen. The Earl of Gloucester, in his character of son-in-law and heir of the conqueror of Glamorgan, was joined by ten thousand Welshmen, and a cry of lamentation goes up, even from distant Saint Evroul, to tell us how all England, and especially its holy places, were laid waste by the barbarians.[2] A crowd of revolts, a crowd of sieges and marches, follow. One castle is taken after another, and we now not uncommonly hear, what we have seldom heard of in earlier wars, what we have never heard of either in native English warfare or in the warfare of the Conqueror, of the hanging of their defenders.[3] Among the chief revolters of this time was Miles, Constable of Gloucester, presently to be raised to the earldom of Hereford at the bidding of the Empress, and before long to die the death of William Rufus.[4] Another rebel of great fame was Brian the son of Count Alan, commonly known as Brian Fitz-

Mischief done by Robert's Welshmen.

Stephen's enemies.

Miles Earl of Hereford.

Brian Fitz-Count.

[1] The fullest account is in William of Malmesbury and the Gesta, but there are some special details in Robert de Monte. On the safe-conduct given to Matilda William of Malmesbury (ii. 29) observes, "Quem cuilibet, quamvis infestissimo inimico, negare laudabilium militum mos non est." But Orderic says (920 B), "In hac nimirum permissione magna regis simplicitas sive socordia notari potest: et ipse a prudentibus, quod suæ salutis regnique sui securitatis immemor fuerit, lugendus est." He goes on to moralize at some length on the relations between sheep and wolves. So John of Hexham (266) says that it was done "ex indiscreta animi simplicitate." It is always worth while to mark common sense protesting against the follies of chivalry. The author of the Gesta attributes the indiscretion to the advice of Bishop Henry, whose loyalty he already questions. Henry of Huntingdon simply says, "vel perfida credens consilia, vel quia castrum videbat inexpugnabile."

[2] Ord. Vit. 920 C. "Decem millia ut fertur, barbari per Angliam diffusi sunt." He goes on to tell of the mischief that was done "Britonum gladiis." The Shropshire man remembered the neighbours of his childhood.

[3] We can hardly blame any one who hanged Robert Fitz-Hubert. See the Continuator, 1140, and Will. Malms. Hist. Nov. ii. 36. But under Eadward he would most likely have been only banished, under William kept in bonds for life, and under Henry deprived of his eyes.

[4] See the story of the death of Miles in the Gesta, 101.

Count, who had shared with Earl Robert the duty of taking Matilda herself over the sea for her second marriage.[1] The Bishop of Ely not unnaturally rose, though, according to one version, against him Stephen was the first aggressor.[2] William the son of Richard, who held Cornwall under the King, received into his castles Reginald of Dunstanville, one of the natural sons of King Henry, who, like the rest, was zealous in the cause of his sister.[3] And the interest of his name and descent, though his exploits are not remarkable, leads us to add to our list John of Sudeley, another son of Harold of Ewias, one of a house which could boast by the spindle-side of the blood of the ancient Kings.[4] In this way the whole land was ravaged, castles and towns were taken and burned, chiefly in the South and West,[5] till the seat of war begins to change to another part of England. Earl Robert struck a great blow by the capture and burning of Nottingham,[6] and this brings us to the most striking incident in this whole time, to the only military action in this endless scene of sieges and skirmishes which deserves the name of a battle.

CH. XXIII.

Richard Bishop of Ely.

Reginald son of King Henry.

John of Sudeley.

Robert burns Nottingham. September 8, 1140.

Early in the year after Matilda's landing an attempt had been made to make peace. At Pentecost the King held, or tried to hold, the usual festival in London; but this time his court was held to the east and not to the west of the city, not in the hall of Rufus, but in the fortress of his father. And it is noted that, among all the Bishops of his dominions on both sides of the sea, one only, John

Stephen's Court in the Tower. May 26, 1140.

[1] See above, p. 204.

[2] In the Gesta, 63, the Bishop is made to revolt to revenge the injuries of his uncle, but Henry of Huntingdon, 223 *b*, makes Stephen drive Richard out of his see, "quia nepos prædicti episcopi Salesburiensis erat, e quo odii incentivum in progeniam ejus duxerat."

[3] Gesta, 65. [4] Cont. Flor. Wig. 1139. See above, p. 272.

[5] See the years 1139, 1140 in the Continuator, and Hist. Nov. ii. 29–36.

[6] The fullest account of the taking of Nottingham is also given by the Continuator.

CH. XXIII. Vain attempt to make peace.

Bishop of Seez, deigned to answer to his summons.[1] Such a state of things perhaps brought his desolate condition home to Stephen's mind; an attempt was made to make peace. Commissioners on both sides met at Bath. Each of the rivals was represented by a brother, but Earl Robert was a more trustworthy representative of the Empress than the Legate Henry was of the King. But Stephen was represented also by the new Archbishop Theobald, and by his own Queen Matilda, who appears throughout as a vigorous defender of the rights of her husband, just as the Countess Mabel showed herself on the other side. But no agreement was come to. We are told that the party of the Empress were ready to submit her claims to an ecclesiastical sentence, which the party of the King naturally refused.[2] Stephen had stooped to receive a papal confirmation of his right; he was not going to stoop yet further—at least his wife was not likely to stoop in his name—and to give the venal court of Rome a chance of withdrawing the confirmation which it had once given. But presently the Legate Henry crossed the sea; he had conferences with the King of the French and with his own brother Count Theobald, and came back with further proposals of peace. Theobald was the brother of the King as well as of the Legate, and Lewis had lately formed a family connexion with Stephen by betrothing his sister Constance to Stephen's son Eustace.[3] But the mediations of these foreign friends must have been exercised on behalf of Matilda rather than of Stephen. For her party and the panegyrist of her brother deemed them for the good of the land, while Stephen did not.[4] The negotiations failed, and war went on.

Bishop Henry in France, September–November, 1140.

His attempts at mediation.

[1] Will. Malms. Hist. Nov. ii. 37. "Cæteri vel fastidierunt vel timuerunt venire."

[2] Ib. Matilda was "ad bonum pronior."

[3] Henry of Huntingdon, 223, says maliciously, "Accipiens thesauros episcopi, comparavit inde Constantiam sororem Lodovici regis Francorum ad opus Eustatii filii sui."

[4] Will. Malms. Hist. Nov. ii. 37. "Salubria patriæ mandata referens,

In the last month of the same year the King was in the city, or at least in the shire of Lincoln,[1] where the citizens, not greatly heeding, it would seem, his treatment of their Bishop, were zealous in his cause. But men of higher rank were less to be trusted. Stephen left in the city two Earls, brothers on the mother's side, being sons of the Countess Lucy by her two marriages.[2] These were William of Roumare, Earl of the city, and Randolf of Chester, whom the King trusted, but who, it seems, still owed him a grudge because not he but Henry of Scotland held the earldom of Cumberland.[3] The brother Earls rebelled. By a stratagem they seized the castle on the hill, the fellow of the minster where Alexander was retouching the work of Remigius, and the loyal citizens, the descendants of the men who had left the height when the castle and the minster were reared,[4] saw the banner of rebellion floating above their heads. In the plot by which the castle was taken the wives of the two Earls took a chief part; it was the law of this reign that, while all else were faithless, wives at least bore true allegiance to their husbands.[5] The Countess of Chester moreover was bound to the side of the Empress by another tie, as being a daughter of Earl Robert of Gloucester.[6] The citizens and their Bishop, the latter returning good for evil, sent word to the King, and prayed for help.[7] Stephen came, with the energy which he could show when the actual moment of action came; writers

CH. XXIII.

Stephen at Lincoln. December, 1140.

Lincoln castle seized by the Earls of Lincoln and Chester.

Action of the Countesses.

Stephen comes back to Lincoln. Christmas, 1140–1141.

si esset qui verba factis apponeret. Et plane imperatrix et comes confestim consensere; rex vero de die in diem producere, postremo in summa frustravi."

[1] Will. Malms. Hist. Nov. iii. 38.

[2] See vol. ii. p. 631. But I have spoken of her more at large in Appendix PP. of the second edition of my third volume.

[3] The account of the Earl's motives in the Chronicle is not very clear; "þerefter wæx suythe micel uuerre betuyx þe king and Randolf eorl of Cæstre, noht forþi þæt he ne iaf al þæt he cuthe axen him, alse he dide alle othre, oc æfre þe mare he iaf heom þe wærse hi wæron him."

[4] See vol. iv. p. 218. [5] The story is told in full by Orderic, 921 B.

[6] Will. Malms. Hist. Nov. iii. 38; Ord. Vit. 921 C.

[7] The loyalty of the citizens comes out strongly in Hist. Nov. iii. 38, and

CH. XXIII. on the other side strangely blame him because he came without sending a formal defiance, a formal renunciation of friendship, to the traitors who had certainly stood on no such terms of ceremony towards him.[1] He occupied the city, and he seems to have fortified the minster as a means of attacking the neighbouring castle.[2] The rebel Earls with their Countesses were straitly besieged in the castle; but Randolf contrived to escape from a tower and made his way to ask his father-in-law for help.[3] Earl Robert gathered his host, bringing with him, like Mercian Earls in past times, a large band of Welsh under the command of two brothers, Meredydd and Cadwalader.[4] The army drew near, and portents troubled the mind of Stephen's followers as the King heard the mass of the Bishop whom he had so lately kept in such harsh bondage.[5] The elders on the King's side prayed him to wait for fresh troops; but he chose rather to listen to the counsels of the Earls who surrounded him, but who in their hearts were traitors.[6] We have a vivid picture of the battle, and a no less vivid report of the real or imaginary speeches with which the

March of Earl Robert and the Welshmen.

Battle of Lincoln, February 2, 1141.

in the Gesta, 90, as it afterwards does in the battle. Orderic alone mentions the Bishop. But the panegyrist of Robert says with a kind of a sneer, "Burgenses Lindocolinæ civitatis, qui vellent apud regem grandem locare amicitiam."

[1] Hist. Nov. iii. 38. "Iniquum id visum multis, quia (sicut dixi) nulla suspicione rancoris ab eis ante festum abscesserat, nec modo more majorum amicitiam suam eis interdixerat, quod *diffidiare* dicunt." See above, p. 278. He leaves out the fact, which makes some difference, that the Earls had treacherously seized the castle.

[2] So it is implied in the workings of Earl Robert's mind, as set forth in Hist. Nov. iii. 39, where the causes of the Earl's coming to Lincoln are said to be "Quia rex generum suum nullis ejus culpis injuriaverat, filiam obsidebat, ecclesiam beatæ Dei genitricis de Lindocolino incastellaverat."

[3] Cf. Hist. Nov. iii. 38, with Ord. Vit. 921 C, and John of Hexham, 269.

[4] The names come from Orderic, 922 A. They led a "vesana Gualorum caterva."

[5] See the legend in Henry of Huntingdon, 224, and the Gesta, 70.

[6] See John of Hexham, 269. Cf. Orderic, 921 D.

leaders on each side stirred up their men to battle. Such speeches are commonly the work of the historian who records them, but, when they are the work of a contemporary historian, they are worth as much as any other witness to the feelings of the time. We may therefore listen to the voice, whether it be that of the Earl of Gloucester or of the Archdeacon of Huntingdon,[1] which lets us into several of the secrets and scandals of the age. The Earl, we are told, bade his host be of good courage. They were going to fight against a perjured King, who had seized the Crown in despite of the oath which he had sworn, a King whose usurpation had been the cause of death to many, and of all the troubles of the land. Those who were there to fight against him were the men whom he had deprived of the lands which they had that day come to recover.[2] Who was there to fight against them in the host of the perjurer? The citizens of Lincoln, who would soon run back to their houses, while they, having crossed rivers and marshes, had no means of retreat. Who were the leaders of the enemy? There was the cruel Count Alan of Britanny, the foe of God and man.[3] There was the Count of Meulan, the crafty, the deceitful, the proud boaster, mighty in words, but weak in deeds, the last to reach the field of battle and the first to turn away from it. There was another Earl, Hugh the Bigod, who, to the perjury which he shared with all of them, had added the special lie by which he had said that King Henry had changed his purpose on his death-bed.[4] There was Earl William of

CH. XXIII.

Speech of Earl Robert.

Character of the King's generals.

Alan of Britanny.

Robert of Meulan.

Hugh the Bigod.

William of Albemarle.

[1] The speeches on both sides come from Henry of Huntingdon, 223 *b*, 224 *b*.

[2] "Rex . . . exemplo sui nihil juris habentibus terras distribuit jure possidentibus diripuit, ab ipsis nequitur dehæreditatis . . . prius aggrediendus est." The "exhæredati" play a large part both in Henry's narrative and in that of Orderic. They formed a separate division of the Earl's army.

[3] The character of special cruelty given to Alan is borne out by the author of the Gesta, who calls him (65) "vir summæ crudelitatis et doli."

[4] See above, p. 251, and Appendix DD.

CH. XXIII. Albemarle, a man who abode firm in the practice of all wickedness, one whose life was such that his own wife had left him to seek shelter with another man.[1] And there was another Earl, whose name is passed by rather by the Archdeacon of Huntingdon than by the Earl of Gloucester; the man who had robbed his guilty comrade of his wife, a man vigorous in the service of Bacchus, but unknown in that of Mars.[2] There was Simon Earl of Northampton, a man in whom we may claim a share as in one sprung from the blood of the martyred Waltheof, but who appears in his enemy's invective as a man whose words were his only deeds, whose promises were his only gifts.[3] The rest were like unto them, men such as their King, robbers, manslayers, every one of them stained with the guilt of perjury. But those who fought around him were the men whom the great King Henry had set up, whom the usurper Stephen had cast down, who were going forth to execute the just judgement of God upon the guilty men who stood before them.[4]

Earl of Warren or Surrey?

Simon of Northampton.

We may perhaps be less inclined to believe in this extreme wickedness of all the nobles who surrounded Stephen, when we hear what was said on Stephen's side against Earl Robert himself. And the event shows that the

[1] In the Annals of his own monastery (Chronica de Melsa, i. 90, 212) Earl William appears as a man of admirable piety, and there is not a word of scandal against his wife Cecily, the daughter of William the son of Duncan, the son of King Malcolm of Scotland. Anyhow he was at the Battle of the Standard.

[2] "Procedit contra vos, consul ille qui consuli prædicto sponsam abripuit' adulter patentissimus et exeellenter impurus, Bacchi devotus, Marti ignotus, vino redolens, bello insolens." This Earl, who seems to have been too disreputable to be named, is by Professor Stubbs (R. Howden, i. 201) supposed to be the Earl of Warren. Robert of Gloucester (ii. 454) seems to leave him out.

[3] Henry himself, in recording Simon's death in 1153, says in his own person (227 *b*) that he was "plenus omnium quæ non licebant, omnium quæ non decebant."

[4] "Vos igitur viri fortissimi, quos magnus Henricus rex erexit, iste dejecit, ille instruxit, iste destruxit."

greatest fault of Stephen's followers was lack of zeal and good faith on behalf of Stephen himself. The King, it seems, with all his popular talents, was no orator;[1] the speech on his side was made by Baldwin the son of Gilbert, of the house of Clare. In his eyes the righteousness of Stephen's cause was as clear as his unrighteousness was in the eyes of Earl Robert. They had on their side three advantages, the justice of their cause, their greater numbers, their superiority in valour. The charge of perjury was returned. They were fighting for their King, the Lord's anointed, to whom their enemies had taken oaths and broken them. What the chief of the enemy, Earl Robert himself, was they all knew. His threats were great, but his deeds were small; his famous eloquence never led to action; a lion in speech, he was in heart no better than a hare.[2] These charges sound strange when brought against Robert of Gloucester, but they show perhaps the natural feeling of the mere soldier against the man who was both soldier and scholar, the feeling which made the warlike but unlettered Volumnius throw out his taunts at the peaceful works of his colleague Appius.[3] Randolf of Chester is at least not charged with mere cowardice; he is fierce enough in beginning warfare or anything else, reckless of danger, seeking things beyond his power, but carrying nothing to perfection; beginning his plans with the strength of a man, but leaving them, when begun, with the weakness of a woman. As for the Welsh, rash, unarmed, unskilled in war, they were no better than beasts running of their own accord upon the hunting-spear.[4] As for the rest, be they

CH. XXIII.

Speech of Baldwin of Clare.

Character of Earl Robert.

Randolf of Chester.

The Welsh.

[1] "Tunc quia rex Stephanus festiva voce carebat." Is the hexameter intentional?

[2] "Roberti duces vires notæ sunt. Ipse quidem de more multum minatur, parum operatur, ore leoninus, corde leporinus clarus eloquentia, obscurus inertia."

[3] Livy, x. 19.

[4] "Qui inermem bello præferunt temeritatem, et arte et usu belli carentes

CH. XXIII. nobles or knights, runaways or vagabonds of any kind,[1] all that was to be wished was that there were more of them to triumph over.

Stephen forsaken by his followers.

The accounts of the battle vary greatly, but one thing is plain, that Stephen was basely forsaken by many both of his own subjects and of his foreign mercenaries. Among these the names of the Count of Meulan and of the Fleming William of Ypres are specially branded.[2]

Personal exploits of Stephen.

But a small band of faithful men still stood round their King; and our thoughts are carried back to another fight and to a nobler leader, when we read how the King of the English, fighting on foot like an Englishman, wielded the sword of Æthelstan or Eadmund till it broke in his hand, how a young citizen of Lincoln brought him in its stead the weapon of Cnut and Harold, and how Stephen, with his Danish axe, laid manfully about him, till its stroke, lighting on the helmet of the Earl of Chester, brought the traitor to his knee.[3] But on that day treason

quasi pecora decurrunt in venabula." Compare the dispute between Malise Earl of Strathern, who was as ready to go without a cuirass as another man with, and Alan of Percy, in Æthelred, 342.

[1] "Tam proceres quam milites, transfugæ et girovagi."

[2] The flight of William of Ypres comes out in most of the accounts, but Henry of Huntingdon, who calls him "vir exconsularis et magnæ probitatis," makes him put the Welsh to flight before he flies himself; but according to Orderic, he and his Flemings and Alan and his Bretons were the first to fly.

[3] The personal valour of Stephen comes out in every account, but especially in Henry of Huntingdon, Orderic, and John of Hexham. Henry arms him first with the axe; "Tunc apparuit vis regis fulminea [this is a lightning flash from Assandun, see vol. i. p. 389], bipenni maxima cædens hos, ruens illos." The axe is broken, then he fights with his sword, "gladio dextera regis digno"—almost the words which he uses of Eadmund—till the sword too is broken. But one can hardly doubt that John of Hexham (269) is right in making him wield the sword first; "Dissecuit omnes ad congressum sese opponentes donec comminueretur gladius in manibus ejus, posuit vero in manu ejus securim Danicam quidam civis Lincolniæ." So Orderic, 922 B; "Ense vel securi Norica quam quidam illi juvenis ibi administraverat pugnare non cessavit." The personal combat with Earl Randolf appears in Henry's account, but comes out more clearly in John of Hexham.

had the upper hand; the King's followers had fled, and three men only were at his side.[1] The soldiers of Earl Robert pressed around him, and a mighty stone, hurled as by the hand of the Homeric Aias,[2] brought the King himself to the ground.[3] A knight called William of Kains seized, like Menelaos,[4] the fallen King by the helmet, and with a loud voice cried out that he held the King, and bade all his comrades hasten to secure the richest prize of victory.[5] Stephen could now do nothing but give himself up as a prisoner to the Earl of Gloucester. With him was taken, fighting to the last, Baldwin who had made the speech before the battle, and who at least could not be charged with belying his words by his deeds, and Richard the son of Urse, a descendant, it would seem, of the old enemy Urse of Abetot, whose exploits that day might be taken as some atonement for the crimes of his kindred.[6] A few valiant men still fought on to be all slain or taken prisoners.[7] The city was sacked, and its inhabitants slaughtered without mercy, by the savage followers of Earl Randolf.[8]

CH. XXIII.

Stephen taken prisoner.

Lincoln sacked.

The great Danish city was thus dealt with as no city had been dealt with in the days of the Conqueror; but it fared no worse than many cities fared in the more polished days of the fifteenth, sixteenth, and seventeenth

[1] Orderic is specially emphatic on the treason of Stephen's followers. It is he who speaks of the "tres pugiles" who were still with the King when he was taken. The Chronicler, in his short and pithy account, is of the same mind.

[2] Iliad, vii. 268. [3] Hist. Nov. iii. 40. [4] Iliad, iii. 345.

[5] The name comes from Henry of Huntingdon; "Irruit in regem, et eum galea arripiens voce magna clamavit, Huc omnes, huc, regem teneo. Advolant omnes, et capitur rex."

[6] Henry of Huntingdon and Orderic both preserve the name of Baldwin. Henry adds that of Richard. See vol. iv. p. 173.

[7] Hen. Hunt. 224 *b*. "Adhuc capto rege pugnabat acies regalis; nec enim circumventi fugere poterant, donec omnes vel capti vel cæsi sunt."

[8] Henry of Huntingdon simply says, "Civitas hostili lege direpta est." Orderic gives some details, especially of the drowning of five hundred "nobiles cives" who tried to escape by the river. William of Malmesbury

CH. XXIII.

centuries. Stephen was first led into Lincoln to see the desolation of the faithful city;[1] and it would seem that, in full agreement with chivalrous notions, some who had felt no compassion during the horrors of the sack were moved to pity and repentance by the misfortunes of the captive King.[2] He was presently led by the victorious Earl of Gloucester to the Empress, who was then in his own city, and was then kept in ward in the castle of Bristol.[3] All England now submitted to the Empress, save Kent alone, where Queen Matilda and William of Ypres, who had, it seems, recovered himself from his flight at Lincoln, still kept men in their allegiance.[4] Castle after castle, district after district, was won for Earl Robert and his sister.[5] The fate of one fortress awakens a special interest, as giving us a glimpse of a class of men of whom in these times we seldom hear except as victims for the torturer. A Breton Count Hervey had married a daughter of the King, and now he commanded in that great fortress of the Devizes which Stephen had wrested from Bishop Roger. He was overthrown, not by knights or nobles or mercenaries of whatever nation, but by the folk of the land. The churls of the surrounding country, stirred up

Stephen imprisoned at Bristol.

Success of the Empress.

Hervey the Breton besieged at the Devizes by the men of Wiltshire.

confirms the fact, and moreover approves; "Vulgus vero burgensium Lindocolinorum multa parte obtruncatum est, justa ira illorum qui vicissent, nullo dolore illorum qui victi essent, quod ipsi principium et fomes istius mali fuissent."

[1] Hen. Hunt. 224 *b*. "Rex in eam miserabiliter introductus est."

[2] The writer of the Gesta (71, 72) describes the workings of their minds, which went so far "ut non solum in lacrimas et ejulatum omnes prorumperent, sed et cordis, et oris pœnitudine quam maxime afficerentur."

[3] Gesta, 72; Hist. Nov. iii. 41, where we may remark the phrase that the King was presented to the Empress, "juxta morem illius generis hominum quos captivos nominant." Ord. Vit. 922 B; Cont. Flor. Wig. 1141; John of Hexham, 269; Will. Neub. i. 8; Hen. Hunt. 225. The Chronicler says, "and læd him to Bristowe and diden þar in prisun and . . . teres." One would like to fill up the gap, which suggests some form of the word *fetters*.

[4] Hen. Hunt. 225. So the Gesta, 73.

[5] See the Gesta, 73, 74, and for places in the north, John of Hexham, 269.

no doubt by some excess of cruelty, swore his destruction as one man. They besieged him in the castle, which was afterwards surrendered to the Empress, and he left England full of shame.[1] It is not clear whether the victorious churls, thinking, as usual, that any change of masters must be for the better, surrendered their prize to those who now had the upper hand, or whether Hervey himself chose to call in the opposite party in the general struggle rather than to abide his fate at the hands of his immediate local enemies. In either case it is something to see a stranger, a Count, a King's son-in-law, driven to such straits as these by the unaided efforts of the people of an English shire. CH. XXIII.

Matilda was thus in actual possession of by far the greater part of England, while Stephen was in bonds. The next object was to give something like a legal confirmation to her possession. To this end the Legate Henry was won over. We have seen that he was already ill-disposed to his brother on account of the seizure of the Bishops, and a promise to be guided by his counsels in all weighty matters, especially in the disposal of bishopricks and abbeys, gained him to the side of the Empress.[2] And now followed a scene which has no parallel in English history. If Matilda was to reign, her reign needed to begin by something which might pass for an election and coronation. But her followers, Bishop Henry at their head, seem to have shrunk from the actual crowning and anointing, ceremonies which—unless Sexburh had, ages before, received the full royal consecration—had never, either in England or in Gaul, been applied to a female

Henry of Winchester joins Matilda. February 16, 1141.

Novelty of a female reign.

[1] Gesta, 74. "Comes Herveus, gener regis, in castello quod Divisa dicitur a simplici rusticorum plebe in unum se globum in malum illius conjurante diutissime obsessus, tandemque castello in manus comitissæ reddito, ab omni Angliâ inhoneste depulsus, cum paucis transmeavit."

[2] Hist. Nov. iii. 42.

CH. XXIII. ruler.[1] Matilda was solemnly received in the cathedral church of Winchester; she was led by two Bishops,[2] the Legate himself and Bernard of Saint David's, as though to receive the crown and the unction, but no crowning and no unction is spoken of.[3] An ecclesiastical synod followed, which was also held at Winchester. Archbishop Theobald was there, and some other prelates, who, together with some laymen, had, it is especially remarked, asked Stephen's leave before they bent to the times and plighted their allegiance to the Empress.[4] In the proceedings of this synod, as reported by an eye-witness, we have a clear setting forth of the arguments on one side of the question. We have also a speaking proof of the way in which ecclesiastical pretensions had grown during the utter break-up of all civil society. The president and the presiding spirit of the assembly was the Legate Henry. His speech began and ended with a panegyric on his uncle the late King, and on the happiness which England had enjoyed during his peaceful reign.[5] He set forth the rights of Matilda, grounded on the oath taken to her in her father's lifetime. It was only because she delayed to come over to England and take possession of her kingdom that Stephen, that there might be some one to keep the peace of the land, had been allowed to reign.[6] He had been accepted on the strength of promises to defend

Matilda received at Winchester. March 3, 1141.

Synod at Winchester. April 7.

Speech of Henry.

Assertion of the clerical

[1] I cannot answer for Urraca Queen of Castile, who reigned from 1109 to 1126.

[2] See vol. iii. pp. 43, 558, 622.

[3] William of Malmesbury (Hist. Nov. iii. 42) seems distinctly to exclude a coronation; he merely says, "Honorifica facta processione, recepta est in ecclesia episcopatus Wintoniæ." We must therefore see only rhetoric when the Continuator says, "Datur ejus dominio corona regni Angliæ," and when the author of the Gesta (75) speaks of "regis castello, et regni corona quam semper ardentissime affectarat, ... in deliberationem suam contraditis," and adds that Henry "dominam et *reginam* acclamare præcepit." The Waverley Annalist, 1141, ventures to say, "Corona regni est ei tradita."

[4] Hist. Nov. u. s. [5] Ib. 44. [6] Ib.

the Church and preserve the peace, all which promises he had broken. To them, to the clergy of England, it chiefly belonged to elect as well as to consecrate Kings.[1] He therefore called on the synod to elect the daughter of Henry, the great and incomparable King, as Lady of England and Normandy.[2] Whether any consecration was designed to follow, whether at such consecration she would have been promoted to the specially royal title, we are not told. Countess, Queen, and Empress in other lands, in England the only title that she bears is Lady. The daughter of Henry reigned, so far as she reigned at all, by the same style as the daughter of Ælfred.

CH. XXIII. right of election. Matilda not called Queen, but Lady.

In the ecclesiastical assembly all agreed to the Legate's proposal; at least none raised a voice against it.[3] But, if Henry, whether as Legate or as Bishop of Winchester, deemed it good to put forward the clergy as especial electors of Kings, he had lived long enough in England to know that there was at least one other body of men who claimed to have a voice in such matters. The men of London had chosen Stephen to be their King; and, without their consent, his Crown could not be transferred to another. The men of London, for the greatness of their city, ranked with the barons of the realm, and many barons of the realm had been admitted to the franchise of their commonalty.[4] While the Council was still sitting, a deputation came from the commonalty of London,

Matilda elected by the Synod. Electoral rights of London. Intercession of the Londoners

[1] Hist. Nov. iii. 44. "Clerus Angliæ, ad cujus jus potissimum spectat principem eligere, simulque ordinare."

[2] Ib. "Filiam pacifici regis, gloriosi regis, divitis regis, boni regis, et nostro tempore incomparabilis, in Angliæ Normanniæque dominam eligimus, et ei fidem et manutenementum promittimus." In her grant of the earldom of Hereford to Miles of Gloucester (Rymer, i. 14) her style is "Matilda Imperatrix, Henrici regis filia, et Anglorum domina."

[3] Hist. Nov. iii. 45.

[4] Ib. "Londonienses, qui sunt quasi optimates, pro magnitudine civitatis, in Anglia." "Omnes barones, qui in eorum communionem jamdudum recepti fuerant." "Londonienses, qui præcipui habebantur in Anglia, sicut proceres."

CH. XXIII. for Stephen.

not to make any arrangement with regard to the Crown, but to pray that their lord the King might be set free from his bonds.[1] A clerk of the Queen put in a vigorous protest on behalf of her husband, claiming for him, not only freedom, but the kingdom which wicked men had taken from him.[2] The London deputation went back, promising to do their best on behalf of the Empress; but meanwhile Matilda disgusted even her own partisans by her extreme haughtiness, a haughtiness which she showed even to those to whom she owed most, to the Legate, to her own brother and champion Earl Robert, to her uncle King David, who had come to join her, and who had been acting on her behalf on the road.[3] She then made her way to London by a roundabout path. She was received at Oxford by the younger Robert of Oily,[4] and in his castle she found a champion in his stepson, another of her half-brothers, Robert the son of Eadgyth.[5] At Saint Alban's a deputation from London came, as another deputation from London had once come to Berkhampstead,[6] offering to receive her into the city.[7]

Message from Queen Matilda.

Haughtiness of the Empress.

[1] Hist. Nov. iii. 45. "Missi a communione quam vocant Londoniarum, non certamina sed preces offerre, ut dominus suus rex de captione liberaretur." On the "communio" see vol. iv. pp. 549, 550.

[2] Hist. Nov. iii. 47.

[3] His course is traced by John of Hexham, 270. On her behaviour to the King, the Earl, and the Bishop, see the Gesta, 76.

[4] See the Gesta, 74, 81, and the Continuator, 1141. Cf. vol. iv. pp. 46, 736.

[5] "Robertus filius Edæ et Henrici regis nothus" is distinctly mentioned by John of Hexham, 270. I have to thank Mr. E. C. Waters for calling my attention to the two documents in the Monasticon (vi. 253) in which Henry of Oily, the son of Robert and Eadgyth, appears as the brother of "Robertus Henrici regis filius," the Robert with whom we are now dealing. See vol. iv. p. 736. Heralds seem to confound this Robert with the Earl of Gloucester.

[6] See vol. iii. p. 547.

[7] The place comes from the Continuator, who adds, "Adeunt eam ibi cives multi ex Lundonia, tractaturi ibi sermo multimodus de reddenda civitate." So the Gesta, 76, 77; "Rogatu Londoniensium, qui se illi supplices obtulerunt, ad civitatem postremo devenit."

CH. XXIII.

She reaches London. June, 1141.

She refuses all intercession for Stephen.

She took up her abode at Westminster, and again displayed the same haughtiness as before. Again she refused to listen to the prayers of her namesake the Queen, to the prayers of the nobles of her own side, who craved for the release of Stephen. She would not hearken even to the proposal that he should resign the kingdom and spend the rest of his days as a monk or pilgrim.[1] She offended Bishop Henry by refusing his petition that at least his nephew Eustace might receive his father's continental possessions.[2] And, more than all, she drew on herself the ill will of the men of the great city whose citizens could make and unmake Kings. The men of London prayed of her that she would observe the laws of King Eadward, because they were the best of all, not the laws of her father Henry, because they were too heavy to be borne.[3] The words are remarkable in many ways. They are the only expression of discontent with the general rule of Henry which we meet with; and it is singular that such a complaint should come from the citizens of London. But it may be remarked that Henry's great merit, the strict administration of justice, was of less importance to the men of a city who had such great franchises in their own hands than it was to the people of the smaller towns and of the open country. And, on the other hand, the

She refuses the Laws of Eadward to the Londoners. Complaints of the Londoners against King Henry.

[1] Cont. Flor. Wig. 1141. The writer here distinctly opposes the Queen and the Lady, "interpellavit dominam Anglorum reginam."

[2] Cf. Hist. Nov. iii. 49; John of Hexham, 270.

[3] All our authorities speak generally of Matilda's haughtiness to the citizens, but it is only in the Continuator of Florence that we find the distinct demand and refusal of the laws of Eadward; "Interpellata est et a civibus, ut leges eis regis Edwardi observare liceret, quia optimæ erant, non patris sui Henrici, quia graves erant. Verum illa, non bono usa consilio, præ nimia austeritate non acquievit eis." There seems to be a dark allusion to this matter in Hist. Nov. iii. 48, where the panegyrist of Robert describes him as busy "justitiam et *patrias leges* et pacem reformando;" and without more distinctly blaming Matilda, he goes on to say, "satis constat quod, si ejus moderationi et sapientiæ a suis esset creditum, non tam sinistrum postea sensissent aleæ casum."

CH. XXIII. strictness of Henry's forest laws was no doubt felt by the citizens themselves and by the barons who had joined their commonalty. But the great point is that now, seventy-five years after the coming of William, the memory of the last native King is still cherished. His days, the days of the rule of Eadward, that is in truth the days of the rule of Godwine and of Harold, are still looked back to as the happy days of peace and righteousness. Nor is it only in some upland region, where the stranger had appeared only in his character of conqueror, that they are thus looked back to. The days of Eadward are still looked to with yearning by a city to which men flocked from every quarter of the world, and among whose chief citizens a large proportion were undoubtedly of Norman blood.

Memory of the reign of Eadward.

But the prayer of the men of London was unheeded. Matilda, who had worn her crown in the Eternal City, may have there been taught by Roman lawyers that law was whatever the prince deemed good,[1] and she may have learned to look on the dooms of Eadward and Henry as alike of little worth. All the answer that the citizens got was stern looks, reproaches for the favour which they had shown to Stephen and the money which they had spent in his cause, and pressing demands of money for her own use.[2] Meanwhile another Matilda was at their gates, one who had by birth as good a claim to the allegiance of Englishmen as her Imperial namesake, whose descent from the Old-English Kings was the same as her own, and who, if zeal and energy could win success, might have brought laurels to any cause. While the Empress was trampling on their rights within their walls, the

Matilda's haughty answer.

Queen Matilda before London.

[1] "Quod principi placuit legis habet vigorem."

[2] We get the most vivid picture of Matilda's treatment of the Londoners in the Gesta, 77. But all our authorities bear witness to her extreme haughtiness. See Hen. Hunt. 225; Will. Neub. i. 9; John of Hexham, 270.

Queen was threatening them with all the horrors of war without.[1] The citizens made their choice; they entered into a league on Stephen's behalf with his valiant wife, and drove the Empress and her followers from their gates.[2] She fled to Oxford, and presently showed her spite by ordering the captive King, who had hitherto been kept in an honourable confinement, to be loaded with chains.[3]

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The Empress flies from London to Oxford.

Stephen's harsher captivity.

A train of stirring events followed. The Empress held her court at Oxford, while her rival and namesake, in full possession of London, was gathering forces everywhere on behalf of her husband. Bishop Henry now openly changes sides; so do his citizens of Winchester; and we get a strange picture of Queen and Empress, the King of Scots, the Earl and the Bishop, the citizens of London and Winchester, all in a manner besieging one another. In the end a large part of the city of Winchester, and with it the New Minster, on its new site of Hyde, was burned, if not by the order, at least by the followers, of its own Bishop.[4] Then comes the captivity of Earl Robert under the keeping of William of Ypres in Archbishop William's

The Legate Henry changes sides; burning of Winchester.

Earl Robert taken

[1] This campaign of Queen Matilda, "astuti pectoris, virilisque constantiæ femina," is described in the Gesta, 77, 78.

[2] The fullest account is that in the Gesta, 78, 79. See also the Continuator, 1141; Hist. Nov. iii. 48; John of Hexham; Will. Neub. i. 9; Henry of Huntingdon, 225.

[3] So says Henry of Huntingdon; "Irritata igitur muliebri angore, regem unctum Domini in compedibus poni jussit." William of Malmesbury (Hist. Nov. iii. 41) had already told us that Stephen was at first honourably treated ("honorifice præter progrediendi facultatem servatus est primo"); afterwards "annulis ferreis innodatus est."

[4] Our authorities now gradually fail us. Orderic's narrative was finished while the King was in prison. The Continuator breaks off soon after the burning of Winchester. Henry of Huntingdon tells the story at no great length. William of Malmesbury gives the account in Hist. Nov. iii. 50, but both the Continuator and the author of the Gesta are fuller. The New Minster, the "ecclesia Sancti Grimbaldi" of the Continuator, had changed its site in 1110. See Mr. Edwards' Introduction to Liber de Hyda, xlv. et seqq. The Chronicler does not mention the fire, but the description of the Queen's action is vigorous; "þa com þe kinges cwen mid al hire strengthe, and besæt heom, þæt þer wæs inne micel hungær."

CH. XXIII. prisoner. September 14, 1141. His exchange for the King. Escape of the Empress from Oxford. December, 1141. Synod at Westminster. December 7, 1141.

still new castle of Rochester,[1] the vain attempts of their two zealous wives to find in the exchange of King and Earl a means of settling the peace of the kingdom,[2] and their final exchange, not as anything tending towards peace, but simply as restoring to each party a leader of equal value.[3] We come to Stephen's siege of the Empress at Oxford, and the famous tale of her escape from Robert of Oily's castle.[4] In the midst of all this we come across another synod, held this time at Westminster, in which we hear the Legate Henry, now a loyal subject of his brother, defending his twofold treason in his brother's hearing, and calling on men to cleave to the King who had been anointed by the will of the people and by the consent of the Apostolic See, and to forsake the Countess of Anjou, no longer Lady of the English, but only Lady

[1] See the story of Robert's captivity in Will. Malms. Hist. Nov. iii. 51; Gesta, 84; Cont. Flor. Wig. 1151; Will. Neub. i. 9. The Chronicler records his imprisonment at Rochester, and Gervase (1356) adds the name of his keeper, "Willielmus Yprensis, qui Cantia abutebatur."

[2] This comes from the Continuator, who is copied by Gervase. An agreement is made between Queen Matilda and the Countess Mabel ("regina nimium satagente pro rege, et *vice*comitissa—why *vice*? it is "comitissa" in Gervase—valde desudante pro comite") to this effect; "Ut rex suo restitutus regno, et comes sub eo totius Angliæ sublimatus dominio, fierent ambo regni et patriæ justi moderatores et pacis recuperatores, sicut totius dissensionis et turbationis exstiterant incentores atque auctores." But Robert will not agree without the consent of the Empress, and that is not to be had.

[3] The Chronicler thus tells it; "þa feorden þe wise men betwyx þe kinges freond and te eorles freond and sahtlede sua þæt me sculde leten ut þe king of prisun for þe eorl, and te eorl for þe king, and sua diden." See also Hist. Nov. iii. 58; Gesta, 85; Hen. Hunt. 225.

[4] The Chronicler again tells the tale; "þa þe king was ute, þa herde þæt sægen, and toc his feord and besæt hire in ðe tur, and me læt hire dun on niht of þe tur mid rapes, and stal ut and scæ fleh and iæde on fote to Walingford." This is the last event recorded by William of Malmesbury, Hist. Nov. iii. 74. The best known incident of the story comes from Henry of Huntingdon (225); "Non procul a natali aufugit Imperatrix per Tamasim glaciatam, circumamicta vestibus albis, reverberatione nivis et similitudine fallentibus oculos obsidentium." Gervase (1358) tells the tale at greater length. It should be noted that in those days the river at Oxford was the Thames.

of the Angevins.[1] But now for some years there is little on which we need dwell. Several more years were passed in local warfare of the same kind as that of which we have heard so much already. We hear of the striking deaths of more than one evil-doer,[2] and we get general pictures of the state of the land, as fearful as that which our own Chroniclers gave us at an earlier stage of the struggle.[3] We still have the picture of a state of things in which, though the land is divided between two parties, yet neither of their nominal chiefs is able to exercise any real control over his followers, but each is obliged to put up with their evil deeds lest they should forsake him for his rival.[4] But, on the whole, the course of events was favourable to Stephen. We see him twice on his old battle-ground of Lincoln, striving against his old enemy Randolf of Chester. At one stage of the struggle we find the faithless Earl besieged by the King in the scene of his old treason at Lincoln.[5] Then we see him returning to his allegiance, and presently imprisoned till he gives up

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Strife of the years 1142–1144.

Lincoln besieged by Stephen. 1144. Imprisonment of

[1] Hist. Nov. iii. 52. "Turbatores vero pacis, qui comitissæ Andegavensi faverent, ad excommunicationem vocandos, præter eam quæ Andegavorum domina esset."

[2] William of Newburgh (i. 11, 12) gives two chapters to the evil deeds and the appropriate ends of Geoffrey of Mandeville and Robert of Marmion, both in the year 1144. For the fate of Miles, Earl of Hereford, see above, p. 292.

[3] See the two pictures in the Gesta (96, 120) of the general state of England, which may be compared with the more famous one in the Chronicle. In the first passage the writer rebukes the conduct of the fighting Bishops of the time, and complains specially of the foreign mercenaries; in the second he complains chiefly of the Welsh. See also the description in William of Newburgh, i. 22.

[4] William of Newburgh, u. s. "Neuter in suos impériose agere et disciplinæ vigorem exercere poterat: sed uterque suos, ne a se deficerent, nihil negando mulcebat." Hen. Hunt. 227 *b*; "Neutrum exaltare volebant ne, altero subacto, alter iis libere dominaretur, sed semper alter alterum metuens regiam in eos potestatem exercere non posset." This reminds one of Liudprand's saying of the Italians (Antap. i. 37), how they wish "semper geminis uti dominis, quatenus alterum alterius terrore coerceant."

[5] Hen. Hunt. 225.

CH. XXIII. Earl Randolf, 1145.

the precious fortress.[1] The recovery of the city which had suffered so much in Stephen's cause was worthily celebrated by a great national ceremony. Stephen held his Christmas and wore his Crown with all royal pomp within the walls of the city into which he had once been led as a prisoner.[2] By such a rite it might seem that his old ill luck on the same spot was wiped out, and that he began, as it were, another and a happier reign. And so in some sort it was. For, soon after the coronation feast at Lincoln, the city was again attacked by the old enemy; but this time Randolf was beaten back from its walls, as the King himself had been three years earlier. The Earl's chief captain lay dead before the Roman gate through which the Conqueror had entered, and the loyal citizens rejoiced and gave their thanks to the patroness who had defended the temple which crowned their hill.[3] And, before long, Stephen was relieved in different ways from the presence of his two chief enemies. Eight years after her first coming to England as a claimant for its Crown, the Empress, tired of the wretched struggle, withdrew to the continent,[4] and in the next year her brother and chief champion Earl Robert died.[5] This leads us to the third and last period of this time of anarchy. The last few years of Stephen's reign, when a new and mightier actor appears, may claim to be spoken of at somewhat greater length than a long series of sieges

Stephen's Christmas Feast at Lincoln. 1146-1147.

Randolf repulsed from Lincoln. 1147.

The Empress leaves England. 1147.

Death of Earl Robert. 1148.

Later years of Stephen.

[1] This is recorded by the Chronicler with much emphasis, though not in its right order. Cf. Hen. Hunt. 225 *b*; Gervase, 1361; Gesta, 124, 125. John of Hexham (278) seems to put this under 1151.

[2] Hen. Hunt. 225 *b*. "Duodecimo rex Stephanus anno ad natale Domini in urbe Lincolliensi diademate regaliter insignitus est, quo regum nullus introire, prohibentibus quibusdam superstitiosis, ausus fuerat." So Gervase, 1362. It is odd that this belief was not mentioned earlier in the story.

[3] See Hen. Hunt. 225 *b*.

[4] Gervase, 1363. "Imperatrix jam Anglicanæ discordiæ tædio affecta, ante quadragesimam in Normanniam transfretavit, malens sub tutela mariti sui in pace quiescere quam in Anglia tot molestias sustinere."

[5] In 1148, according to John of Hexham, 276. Gervase (1361) puts it in 1146. See also the Gesta, 131.

and skirmishes, rich indeed in local and personal interest, but which throw little light on our main subject. We may turn from them with satisfaction to a field on which men of Norman and English blood joined together in a more worthy cause. In the year that the Empress left England, a band of men, German, Flemish, Norman, and English, among whom we specially hear of men from London, Bristol, Southampton, Hastings, Kent, and Suffolk, set forth from the port of Dartmouth without any princely leader, joined the warfare of Alfonso of Portugal against the Infidels, wrested Lisbon from their hands, and enlarged the bounds of Christendom by a new episcopal see, of which a man, English by birth at least, Gilbert of Hastings, was left as the first Bishop.[1] An exploit like this is indeed a relief amid the annals of a strife which we can hardly honour with the name even of civil war.

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Taking of Lisbon. 1147.

Before we come to the chain of events which connects this reign with the next, it may be well to glance at some of those ecclesiastical affairs of the time which do not come into immediate connexion with the political and military story. Stephen had the character of being a prince who had no great love for the clergy;[2] they never forgave his seizure of the two Bishops; and, like perhaps every other warrior of that time, he is charged with showing little regard to holy places in his military operations.[3] But, as was natural in days when the civil power was so weak, there was no time when the ecclesiastical power made

Stephen on bad terms with the clergy.

Growth of the ecclesiastical power in his time.

[1] See the tract "Osbernus de Expugnatione Lyxbonensi" printed in Professor Stubbs' Chronicles and Memorials of Richard the First, i. cxliv., and the letter of Duodechin in the Annals of Saint Disibod, 1147 (Pertz, xvii. 27). On the aspect of these narratives with which I am most concerned I have said something in Appendix W. Cf. Hen. Hunt. 226.

[2] Hen. Hunt. 226 *b*, "Rex Stephanus numquam clericos liquide dilexerat, et pridem duos incarceravit episcopos."

[3] As in the case of Lincoln (see above, p. 296) and Wilton (see Gervase, 1358); Reading (Robert de Monte, 1152); Beverley (John of Hexham, 278).

CH. XXIII. greater strides than during the nineteen years of anarchy. We have seen how Stephen stooped to seek for a papal confirmation of his election to the Crown,[1] and how an ecclesiastical synod listened complacently to the doctrine that the election of Kings lay in the clergy.[2] During this same time, and under the administration of the same man, the Legate Henry of Winchester, a fashion of which particular instances may be found at earlier times took root and flourished. This was the fashion of appealing from English courts to the see of Rome.[3] Nor was this wonderful, when Stephen himself, as we have seen, stooped to make, or at least to think of making, an appeal of this kind in his own person.[4] Nor was this the only instance of Stephen's self-abasement before the papal power. Even when he plucked up heart to refuse a safe-conduct to a Cardinal, unless he pledged himself to do nothing against the rights of the kingdom, he presently found himself driven to humble himself before the power which he had offended.[5] In all this we see the growth of those innovations which the next Henry tried manfully to stop, but

Growth of appeals to Rome.

[1] See above, p. 246.

[2] See above, p. 305.

[3] Henry of Huntingdon goes too far when he says (226 *b*), in describing the synod of 1151, "Totum illud concilium novis appellationibus infranduit. In Anglia namque appellationes in usu non erant, donec eas Henricus Wintoniensis, dum legatus esset malo suo, crudeliter intrusit. In eodem namque concilio ad Romani pontificis audientiam ter appellatus est." William of Saint Carilef had appealed in 1088; see above, p. 77.

[4] See above, p. 290.

[5] According to John of Hexham (279), the Cardinal-Priest John in 1151 was refused a safe-conduct, "nisi fidem daret se in hac profectione regno Anglorum nullum damnum quærere." He went back and complained at Rome, and Stephen presently humbly invited him to England again. Cf. the dealings of Henry the Second with Cardinal Vivian, 1176; Benedict, i. 118. Stephen's conduct doubtless stood forth in glaring contrast to the reverence with which David received the same Cardinal. One object of his mission was to distribute four pallia to the archiepiscopal sees of Ireland, which Robert de Monte (1151) comments on as a breach of the rights of Canterbury. See above, p. 213, and vol. iv. p. 529.

which it was left for the last Henry of all wholly to sweep away. In his ecclesiastical patronage Stephen stands vaguely charged with simony, but without any very distinct proof.[1] It is more certain that, like other Kings, he used ecclesiastical preferments as a way of providing for his own kinsfolk, though in one case he stumbled on a kinsman who was also a saint. On the death of Archbishop Thurstan of York, the canons, or part of them, chose their Treasurer William, a nephew of Stephen, a man, we are told, of the holiest life, but whose election was set aside by Pope Eugenius on the ground that the archbishoprick had been uncanonically bestowed by the King. It was not till after the reign and death of his successor Henry Murdac that William obtained possession of the see.[2] His own tenure of it was short, and, just before the end of Stephen's reign, he was succeeded by a Primate of less fame for holiness, but who played a larger part in the affairs of the world. This was Roger, then Archdeacon of Canterbury, who, as soon as he was elected to the Northern throne, showed his zeal for its rights in a form which sprang of the new ideas which were now creeping in. He would have consecration at the hands of Theobald, not in his character of Archbishop of Canterbury, but only in that of Legate of the Holy See.[3] His office in the Southern metropolis was at once bestowed by Theobald on a man between whom and the new Arch-

Death of Thurstan of York. 1140.

Disputed election of Saint William (1143–1154) and Henry Murdac (1147–1153).

Roger Archbishop of York. 1154–1181.

[1] Henry of Winchester is made by William of Malmesbury (Hist. Nov. iii. 44) to complain of "abbatiæ venditæ, ecclesiæ thesauris depilatæ." Cf. the story of the election to Saint Augustine's in Gervase, 1370, and the Historia Pontificalis, 42, 44 (Pertz, xx. 544, 545).

[2] On the disputed election of Saint William of York, see John of Hexham, 268, 277; Will. Neub. i. 17; T. Stubbs, 1721, 1722, who speaks of him as "strenuissimi comitis Herberti filius, ex Emma sorore regis Anglorum Stephani progenitus." I can find no further notice of this Emma.

[3] Such, according to the Yorkist Walter of Hemingburgh (i. 79), was the successful demand of the Chapter of York, "ut eum non tamquam Cantuariensis archiepiscopus, sed apostolicæ sedis legatus consecraret."

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bishop of York there was to be a rivalry on other grounds besides the old dispute as to the dignity of their provinces. The vacant archdeaconry, the richest secular preferment in England under a bishoprick, formed the first great promotion of Thomas the son of Gilbert Becket of London.[1] William of York and Thomas of Canterbury both made their way, though by different paths, into the roll of canonized saints. Such was not the case with another kinsman whom Stephen placed in a northern see, Hugh of Puiset, who is also called a nephew of the King, to whom he gave the bishoprick of Durham, and who during his long episcopate left a name behind him as a mighty ruler and builder, but not altogether as a model of ecclesiastical perfection.[2] Another prelate of Stephen's appointment, and who was said to be his son, Gervase Abbot of Westminster, was deposed on a charge of youthful folly in squandering the goods of his monastery.[3]

Thomas of London Archdeacon of Canterbury. 1154.

Hugh of Puiset Bishop of Durham. 1153–1195.

Gervase Abbot of Westminster.

But the reign of Stephen was one which left its mark in ecclesiastical matters in other ways than that of increased submission to the Roman See. It would indeed have been a reign to be noted, if one scheme which was proposed had been carried out, and if the ancient landmarks of our ecclesiastical geography had been wholly swept away. York was being practically, and was soon to be formally,[4] cut short of her spiritual

Schemes of Henry of Winchester.

[1] Gervase, 1376. "Dedit archiepiscopus Cantuariensis archidiaconatum cuidam clerico suo, scilicet Thomæ de Londoniâ, viro admodum strenuo atque ingenii perspicacis." So R. Howden, i. 213, who speaks of him by the unusual description of "Thomas Beket."

[2] Will. Neub. i. 26; John of Hexham, 281; Gervase, 1375. See his pedigree and character in Professor Stubbs' Preface to the third volume of Roger of Howden, p. xxxiii.

[3] This son of Stephen is mentioned by John of Hexham, 281; "Amoto abbate Gervasio, filio regis Stephani, qui res loci illius juveniliter dissipavit."

[4] By the bull of Clement the Third in 1188, professing to release the Scottish Church from its allegiance to York, see Haddan, Councils and Ecclesiastical Documents, ii. 273.

territory by the growing independence of the Scottish Bishops. One daring spirit had a dream of cutting Canterbury short also. The King's brother, Henry of Winchester, pleaded hard at Rome that the ancient capital should be raised to primatial rank, as the metropolitan see of Wessex. Failing this, he prayed that Winchester might at least, like Bamberg, be free from metropolitan jurisdiction, and have no superior but at Rome.[1] But the prayer was not heard; the ecclesiastical map of England, sensibly altered under Henry, received no changes under Stephen; but Henry of Winchester, unable to be an Archbishop himself, lived to lay his consecrating hands on the head of an Archbishop more famous than Theobald.[2] But Stephen's reign was really a most memorable one in the internal history of the Northern province. There, notwithstanding occasional outrages, occasional breaches of ecclesiastical right, on the part of Count Alan and others,[3] comparative quiet reigned, and the work which had begun under Henry still went on. The Cistercian religion flourished, and many monasteries of the new order arose during these troubled times.[4] But of the general effect of these days of con-

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Comparative quiet of the province of York.

Growth of the Cistercian Order under Stephen.

[1] These schemes of Henry come out in the Historia Pontificalis, 39 (Pertz, xx. 542); "Elaborare cœpit ut ei pallium daretur et fieret archiepiscopus occidentalis Angliæ, vel ut ei legatio regni concederetur, vel saltem ut ecclesia sua eximeretur a jurisdictione Cantuariensis." The Pope rejects his prayer in a very strange parable. There is another reference to Henry's schemes in the Winchester Annals, 1143; "Exegit apud papam quod de episcopatu Wintoniensi archiepiscopatum faceret, et de abbatia de Hida episcopatum, et quod episcopatum Cicestriæ sibi subjiceret." The reason is added; "Hoc fecit propter crebram desertationem quæ fuit inter episcopum et archiepiscopum Cantuariæ. Iste enim major videri voluit quam archiepiscopus, ille quam legatus."

[2] Henry was the consecrator of Thomas of London, through the vacancy of the see of London. See Gervase, 1383.

[3] See John of Hexham, 268, 271, 273, 276. But all that happened in those parts was a mere trifle compared with what was going on in southern England.

[4] Will. Neub. i. 15. "Quid autem sentiendum est de his et aliis locis

CH. XXIII. fusion on the conduct of the clergy we may judge from the state of things with which the next King found that he had to grapple.[1]

Beginning of Universities.

But there was one spot in England in which light arose during the thickest darkness. It was in the reign of Henry, and still more in the reign of Stephen, that we get the first glimpses in England of a higher education than could be given by schools attached to monasteries and other churches. It is now that we see the beginnings of the system of universities, the first gatherings of independent masters and scholars, not attached to any great ecclesiastical foundation, and not as yet themselves gathered into endowed societies. The twelfth century saw the beginning of universities in England; the thirteenth century saw the beginning of the incorporated and endowed colleges within them. The

Position of Oxford.

borough of Oxford, one of the chief towns of England, a point so specially central for the whole land south of the Humber, a place free from the jurisdiction of any great ecclesiastical lord, the seat neither of a Bishop nor of a monastery of the first rank, was a place well suited for the purpose which has given it all its later fame. No place could be better to become the seat of one of those voluntary settlements of students, which, though they were in after times favoured by Popes and Kings and

religiosis, quæ in diebus regis Stephani copiosius exstrui vel florere cœperunt denique multo plura sub brevitate temporis, quo Stephanus regnavit, vel potius nomen regis obtinuit." T. Wykes, 1098; "Cœpit pullulare et proficere ordo Cisterciensis." In 1152 (Robert de Monte, 1151) it was forbidden in the general chapter of the Cistercians to found any more abbeys of the order, as there were already five hundred. In the next year a Lotharingian prophetess announced to the order, "quod aliquantulum et teporem ordinis et frigus notaret caritatis." This was just before the death of Saint Bernard.

[1] See the description of the state of things with which Henry and Thomas had to deal in William of Newburgh, ii. 16; Herbert of Bosham, iii. 17, 18; William Fitz-Stephen, Giles, 207–215.

Bishops and nobles, yet preeminently, in the first instance, came of themselves. The two older characters of Oxford, as a great military post and as a special place for great national assemblies, both come out strongly in Stephen's time. To these characters the border town now began to add the new one which it has ever since kept, that of a seat of learning. In the days of Henry we hear of the first public lectures in divinity; in the reign of Stephen, amid the clash of arms, we find the first beginning of studies of a more general kind; amid the special reign of brute force, the antidote appeared in the first systematic teaching of the science of law. In Henry's days, the lectures of the Breton Robert Pulan, who rose to high place at the Roman court, made the first beginnings of a faculty of theology.[1] In Stephen's days, but not till the crowned Augusta had left the land, Vacarius began his first teaching of the Imperial law.[2] In after days, in a kindred land, Leyden received the foundation of its University as the reward of the endurance of the city during its famous siege. The University of Oxford has no foundation and no founder; she grew up from a seed cast forth at random. But her first step towards a wider and more liberal culture took place at the moment when Oxford had lately recovered from a siege less glorious than that of Leyden. The picturesque incidents of that siege have become so famous that the work which was then going on within the walls of Oxford

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Beginning of divinity lectures at Oxford. 1133.

Beginning of the study of law. 1149.

Growth of the University.

[1] Chron. Osney, 1133. "Magister Robertus Pulein scripturas divinas, quæ in Anglia obsoluerant, apud Oxoniam legere cœpit. Qui postea, cum ex doctrina ejus ecclesia tam Anglicana quam Gallicana plurimum profecisset, a papa Lucio secundo vocatus et in cancellarium sanctæ Romanæ ecclesiæ promotus est." So the Waverley Annals, 1145. See more of our first Doctor in John of Hexham, 275, where he is described as "Britannia oriundus." Can we hope that the greater Britain is meant?

[2] Gervase, 1665. "Tunc leges et causidici in Angliam primo vocati sunt, quorum primus erat magister Vacarius; hic in Oxenefordia legem docuit." Cf. Robert de Monte, 1149.

CH. XXIII. has been forgotten. The origin of the great body which took its first root in the times with which we are dealing has been carried back to distant ages, and has become the subject of legend, and worse than legend.

Third period of Stephen's reign. 1149–1154.

Appearance of Henry of Anjou.

We now turn to the third period of Stephen's reign, the period whose events form a continuous chain leading us on into times which lie beyond the immediate scope of our present narrative. We must turn our eyes from the setting to the rising sun, from Stephen and Matilda alike to the renowned son of Matilda, who forms the central figure during the years which followed the departure of his mother and the death of his uncle. What Henry the Second was has been set before us in a living portrait by the greatest scholar of our time,[1] and the lines drawn by that master hand I will not weaken by a single touch. I have now to deal with Henry only in the first beginnings of his career, in his childhood and in his youth; of his reign as an epoch in English history I shall have to speak in the form of the merest sketch in the last stage of this volume. But the restorer of law and order, the prince whom "all folk loved, for he did good justice and made peace,"[2] may stand forth, in the few years of his active life which come within the range of this Chapter, as somewhat of a relief to the wretched scenes which we have been going through. His birth has been already recorded as a gleam of joy which lighted up the declining years of his grandfather; and he might almost seem to have the peculiar character of the position which he was to fill in history stamped upon him by the place of his birth. The eldest son of Geoffrey and Matilda was called, like the Emperor Charles the Fifth in later times, to be ruler over a vast gathering

His action in the later years of Stephen.

Analogy between Henry and Charles the Fifth.

[1] See Professor Stubbs' Preface to the second volume of Benedict.

[2] Chron. Petrib. 1140. "Al folc him luuede, for he dide god iustise and makede pais." These are nearly the last words of the venerable record.

of lands and nations, whose one common tie was his rule over them. Henry could not, any more than Charles, be claimed as an exclusive countryman of any of them. For the purpose of our history the chief point is that, if he was not English, neither was he Norman. His connexion with Normandy and with England, with the blood of Rolf and with the blood of Cerdic, was of exactly the same kind; in both cases alike it was an inheritance handed on to him by his mother. Far more than either Norman or English, he was Angevin. But we must not forget that the reigning house of Anjou from which he sprang was itself Angevin only on the spindle-side, and that the true cradle of his father's house was the petty county of the Gatinois.[1] Called to be lord from the Orkneys to the Pyrenees, to be more truly lord of all Britain than any King that had gone before him, called on the mainland to unite in his own person the dominions of the princes of Normandy, of Anjou, and of Aquitaine, he was fittingly the countryman of none of them, born on the soil neither of England nor of Normandy, neither of Anjou nor of Aquitaine. Yet he was born in a city whose ancient fame made it a worthy birth-place for one who was to inherit the claims of so many houses, and to rule over so many lands. The eldest-born of Matilda first saw the light in that city of Le Mans whose name has filled so large a place at so many stages of our history, and whose name, calling up the remembrance of the deeds of its Counts, its Bishops, and its citizens, always carries with it a charm peculiar to itself.[2] The man who was to unite Normandy and Anjou was fittingly born in the city for which Normandy and Anjou had so long striven. The

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Henry neither Norman nor English but Angevin.

His birth at Le Mans. 1133.

[1] See vol. iii. p. 180.

[2] See above, pp. 102, 206, and vol. iii. p. 185, vol. iv. p. 543. The rejoicings at the birth and baptism of Henry are set forth in full by the Biographer of the Cenomannian Bishops (Vet. An. iii. 337).

CH. XXIII. man who was to unite both with Aquitaine was fittingly born in the city in whose buildings the traveller from England or Normandy begins to feel that he has taken his first step toward the land of the South. And the man who was to unite Normandy, Anjou, and Aquitaine with England was fittingly born in the land and the city which English valour had once won for the Norman Conqueror. The man who was to rule over so many nations, without himself belonging to any one of them, could have no such fitting birth-place as a city at once so famous and so central, connected by one tie or another with each of the lands over which he was to rule.

Henry sent to England by his father. 1142.

But the events of Henry's childhood and youth gradually made him familiar with all the lands which were one day to be his. When he was nine years old, his father, then engaged in his gradual conquest of Normandy, sent him over, at the request of his uncle Earl Robert, to join his mother, who was then in the thick of her strife with Stephen in England.[1] It was well for the interests of the party of the Empress that the child to whom they looked as the future King of the English[2] should early make himself known to those who were fighting in his cause. And, even at that early age, his precocious intellect[3] was perhaps already able to take in some lessons of war and statesmanship, and certainly those arts could be learned under no better living master than his uncle of Gloucester. And, as became the nephew of Robert and grandson of Henry, we read that his literary

Henry's education in England. 1142–1146.

[1] See Gervase, 1357, 1358; Will. Malms. Hist. Nov. iii. 70–1, 73; Robert de Monte, 1141.

[2] Orderic (763), writing not later than 1141, speaks of him as one "quem multi populi dominum exspectant, si Deus omnipotens, in cujus manu sunt omnia, concesserit." The holy hermit Wulfric of Haslebury (Gervase, 1361) prophesied to him that he would be King.

[3] Henry of Huntingdon (227) calls him "puer annis, mente senilis." So John of Hexham, 278; "Viribus corporis prævalidus, moribus quiddam senile præferens."

education was not neglected, and the memory of his teacher, CH. XXIII.
Matthew by name, has been handed down to us.[1] Henry had stayed four years in England, safe in his uncle's fortress of Bristol, when his father, now the acknowledged Duke of the Normans, sent for him to tarry with him at least for a 1146.
while, and the Earl parted from his promising nephew with grief.[2] Three years later Henry was deemed old enough to receive the belt of knighthood, and the opportunity was taken again to stir up the zeal of the partisans of the Empress, or more truly of her son, which had greatly slackened since the death of Earl Robert.[3] Henry therefore left his books and began to practise the exercises of war.[4] He entered England at the head of a large army; he made his way to Carlisle, where he was gladly received by his mother's uncle King David. At He is knighted by David. 1149.
the hand of the King of Scots Henry received the badges of knighthood, and, so it is said, he pledged himself that, if he should ever succeed to the English Crown, he would confirm the grant to David of Newcastle and all the lands between Tweed and Tyne.[5] Special Rivalry between Henry and
rivalry hence arose between Henry and Stephen's son

[1] According to Gervase, 1358, "traditus est magisterio cujusdam Matthæi litteris imbuendus et moribus honestis, ut talem decebat puerum, instituendus." On Robert's own scholarship, see above, p. 250.

[2] Gervase, 1361, 1362.

[3] Ib. 1366. The partisans of Matilda would not go on with the war, "nisi ipse, quem omnia de jure contingebant, in Angliam rediret."

[4] Ib. "Postpositis litterarum studiis, exercitia cœpit militaria frequentare."

[5] The knighthood at the hands of David is recorded by all our writers; Hen. Hunt. 226; Robert de Monte, 1149; John of Hexham, 277; Gervase, 1366; Æthelred of Rievaux, 347, who enlarges on the privilege of being knighted by such a King as David. William of Newburgh (i. 22) adds the important provision, "præstita prius, ut dicitur, cautione, quod nulla parte terrarum quæ in ejusdem regis ex Angliâ ditionem transissent ejus ullo tempore mutilaret hæredes." So R. Howden, i. 211; "Prius dato sacramento quod, si ipse rex Angliæ fieret, redderet ei Novum Castellum et totam Northimbriam, et permitteret illum et hæredes suos in pace sine calumniâ in perpetuum possidere totam terram quæ est a fluvio Twede ad fluvium Tine."

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Stephen's son Eustace.

Eustace,[1] who was at the same time knighted by his father at York, whither Stephen had come to watch the course of affairs on the Scottish border.[2] Randolf of Chester was at Henry's knighting, and did homage to David. He had given up his old grudge about Cumberland, and it was agreed that he should have in exchange the new-made earldom of Lancaster,[3] a land which, it will be remembered, has no place in Domesday as a shire. Randolf, Henry, and David were all to make a vigorous war upon Stephen. But Randolf, as usual, forsook his allies, and the new-made knight went back beyond sea, soon to inherit, by the death of his father, the county of Anjou and its dependencies, as well as the duchy of Normandy, with which he is said to have been already invested.[4] From this time he appears in our history as Duke of the Normans, but he plays no further part in English affairs for some short time. War still went on between Stephen and his enemies; Worcester specially suffered.[5] But meanwhile Duke Henry was increasing his continental dominions in another way. Soon after his father's death came the marriage which has been already spoken of, which extended his dominions to the Spanish frontier. In the pithy words of our own Chronicler, "The Queen of France *todealed* from the King, and she came to the young Earl Henry, and he took her to wife, and all Poitou with her."[6] But by this marriage he made himself an enemy in Eleanor's former

Death of Geoffrey. 1151.

Marriage of Henry and Eleanor. 1152.

[1] Gervase, 1374; John of Hexham, 278.

[2] Hen. Hunt. 226; Gervase, 1367; John of Hexham, 278.

[3] John of Hexham, 277.

[4] Robert de Monte (1150) says distinctly, "Pater suus reddiderat ei hæreditatem suam ex parte matris, scilicet ducatum Normanniæ." But the Chronicler and the other English writers, Henry of Huntingdon (226 *a*), Gervase (1370), and William of Newburgh (i. 29), all speak as if Henry did not succeed to Normandy till his father's death.

[5] See Hen. Hunt. 226, 226 *b*; Gervase, 1370.

[6] "Te cuen of France todælde fra þe king, and sce com to þe iunge eorl Henri, and he toc hire to wiue, and all Peitou mid hire." For details we may go to Robert of Gloucester, i. 466.

husband as bitter as any that he had in Stephen or Eustace.[1] The union of his foes on both sides of the sea brings us to the last stage of our story. CH. XXIII.

Eustace, as we have seen, had long been betrothed to Lewis's sister Constance; he now married her, but our Chronicler makes a wide distinction between the characters of the husband and the wife, the "evil man and good woman."[2] Lewis and Eustace and Henry's own younger brother Geoffrey now set upon Normandy, but with no great success. The special scene of warfare was the old battle-ground of the Vexin, which Henry's father Geoffrey had again given up to France, but which Henry took occasion of the French invasion to reclaim.[3] Stephen now deemed that it was time to take some measure for securing the succession of the Crown to his own house. His wish was to have Eustace crowned in his own lifetime. It was now held that this could not be done without the consent of the Pope;[4] and it is said that this objection was suggested to the mind of Archbishop Theobald by one to whom few then looked as his successor in the patriarchal chair, his own clerk, Thomas of London. The case was

War of Lewis and Eustace in Normandy. 1152.

Attempt of Stephen to procure the coronation of Eustace.

First appearance of Thomas of London.

[1] See Gervase, 1370, 1371; Will. Neub. i. 31; Robert de Monte, 1151, who adds, "Habebat [Ludovicus] duas filias de ea, et ideo nolebat ut ab aliquo illa filios exciperet, unde prædictæ filiæ suæ exhæreditarentur." Ralph the Black, on the other hand (p. 92), says, "Traduxit uxorem Alianor *relictam* Lodovici regis Franciæ." He could not think that Lewis was dead.

[2] The Chronicler tells us, "þa ferde Eustace þe kinges sune to France, and nam þe kinges suster of France to wife, wende to bigæton Normandi þær þurh, oc he spedde litel." He adds, "and be goðe rihte, for he was an yuel man, . . . he dide mare yuel þanne god. . . . God wimman scæ wæs, oc scæ hedde litel blisse mid him, and Xpist ne wolde þæt he sculde lange rixan."

[3] See Robert de Monte, 1151, 1152.

[4] See Hen. Hunt. 226 *b*; Gervase, 1371. The application to Rome and the debate which followed it there are to be found in the Historia Pontificalis, 41 (Pertz, xx. 543). Bishop Henry "promisit se daturum operam et diligentiam ut apostolicus Eustachium filium regis coronaret. Quod utique fieri non licebat, nisi Romani pontificis veniâ impetratâ." I have already (see above, p. 251) had to refer to some of the points argued in this debate.

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argued before the Papal court. Stephen's right to the Crown was fully discussed, and, King by the consent of the Holy See as he had once been called, it was decided that the royal consecration could not be given to the son of a King who had gained his Crown by perjury.[1] Theobald and the assembled Bishops obeyed the Papal command, and refused to crown or anoint Eustace. The wrath of Stephen and his son was great, and the temporalities of all the Bishops who had refused were for a moment seized into the King's hands.[2] Meanwhile Wallingford and other castles were held for Henry, and the Duke of the Normans was prayed to come and bring help to the men who were striving in his cause.[3] He came, and this time he came for some purpose. The war went on, especially at Wallingford and at Stamford,[4] and many who found that, while it lasted, they were freed from the necessity of obeying either master strove that it might still go on.[5] But Stephen was weary of the struggle; his wife, the main stay of his cause, was dead; so was his brother Theobald.[6] His spirit was softened; he hearkened to proposals of peace, and met Duke Henry in a personal conference to discuss them. Nothing was settled, but the

The Bishops refuse.

The war goes on at Wallingford and elsewhere.

Conference between Stephen and Henry. 1153.

[1] Gervase, 1371, who adds, "Hoc factum est subtilissima providentia et perquisitione cujusdam Thomæ clerici natione Londoniensis; pater ejus Gilebertus, mater vero Mathildis vocabatur." This is Gervase's first mention of his hero. In the Bermondsey Annals, 1132, the great fire of London in that year arose "de igne Gilberti Beket."

[2] See the details in Hen. Hunt. 226 *b*. According to the Waverley Annalist, 1152, homage was done to Eustace.

[3] Hen. Hunt. and Gervase, u. s.

[4] See Henry of Huntingdon, 226 *b*–227 *b*; Robert de Monte, 1152, who records an unpleasant fact; "Dux in quadam turre lignea [this was on the bridge at Wallingford] xx. milites jam ceperat, exceptis lx. sagittariis quos decapitari fecerat." To say nothing of the cruelty, the chivalrous distinction between *eorl* and *ceorl* is too much in the style of William Rufus or the Black Prince.

[5] See above, pp. 255, 311.

[6] Matilda died in 1152 (Gervase, 1372); Theobald in the same year (Robert de Monte, 1151).

fierce spirit of Eustace was kindled at the very name of peace. He began to harry the eastern shires far and wide. Suddenly he died, as men said, like Swegen in time past, as he was preparing to spoil the great monastery of Saint Eadmund.[1] Other deaths followed, and among them the deaths of several men who were hindrances to peace. Such was Simon Earl of Northampton;[2] such was the more famous Randolf of Chester, who at last ended his career of treason by poison given to him, as it was said, by the namesake and descendant of the first William Peverel of the Peak.[3] And one of higher rank and of purer fame died in the same year. Henry, the eldest son of King David, was already dead. His father now followed him. The hereditary principle had made such strides in Scotland that Henry's young son Malcolm was acknowledged as successor to the Scottish Crown, while David's younger son William succeeded to Northumberland and the other fiefs of Stephen's granting.[4] Stephen himself now stood almost alone among men of his own standing. It might have seemed as if the old generation was being swept away to make room for the mighty ruler who was coming, and for the no less mighty spirit who was to be, first his minister, and then his rival.

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Death of Eustace. 1153.

Death of Randolf Earl of Chester.

Death of David of Scotland. May 24, 1153.

Death of Henry of Scotland. June 12, 1152.

Malcolm King of Scots. 1153–1165.

All things now tended towards peace. Archbishop Theobald pressed it on the contending princes, and Bishop Henry, who had now seen the error of his ways, joined in the same good work.[5] A treaty was concluded at Win-

[1] Hen. Hunt. 227 *b*; John of Hexham, 282; William of Newburgh, i. 30. Gervase (1374) adds the intended attack on Saint Eadmund's. Cf. vol. i. p. 402.

[2] Hen. Hunt. 227 *b*. See above, p. 298.

[3] Robert de Monte, 1155; Gervase, 1377.

[4] John of Hexham, 281, 282. "Tollens omnis populus terræ Melcholmum, filium Henrici comitis filii ipsius David regis, apud Scotiam, sicut consuetudo illius nationis est, puerum admodum duodennem, constituerunt regem pro David avo suo." Cf. Will. Neub. i. 23.

[5] Hen. Hunt. 228; Gervase, 1375.

CH. XXIII. Treaty between Stephen and Henry. Winchester, November 6, 1153.

chester, which was received with universal joy, as bringing hope that an end was now to be put to the long reign of utter wretchedness, to the nineteen winters which England had tholed for her sins.[1]

The famous treaty which ended the anarchy was, in its provisions, very like two later treaties, which were in the same way designed to put an end to a time of war and confusion, but which were less successful in achieving their purpose. The treaty between Stephen and Henry went on the same general principle as the Treaty of Troyes between Henry the Fifth and Charles the Sixth, and as the parliamentary award between Henry the Sixth and Richard Duke of York. In all three cases, the dispute between the actual possessor and the claimant of the Crown was settled by the compromise that the actual possessor should keep the Crown for life, but that it should pass at his death to the claimant who thus waived his immediate right. In all three cases, the prince who thus became King-elect before the vacancy was to have the rights of an heir-apparent, and something more. Richard in England and Henry in France were to be actual regents of the kingdoms to which they were one day to succeed; and Henry was put into something like the same position by Stephen's agreement to be guided in all things by his counsel. In all three cases a son of the reigning King was to be shut out of his rights. By the treaty of Winchester Stephen was to remain King of the English for life, but Duke Henry became his adopted son and declared successor.[2] Stephen's surviving son William was secured in his own estates and in those of his wife the heiress of Warren, and in the succession to the hereditary estates of his father. And, by a provision which was for the moment

Comparison with the Treaty of Troyes (1419) and with the award between Henry the Sixth and Duke Richard (1460).

Terms of the Treaty. Stephen to keep the Crown for life and Henry to succeed him.

[1] The general joy is strongly set forth by Henry of Huntingdon, 228. On the details of the treaty, see Appendix EE.

[2] Hen. Hunt. 228. So the charter in Rymer, i. 18.

more important than all, all the castles which had sprung up unlawfully during the days of confusion were to be swept away. Other assemblies followed. In one held at Christmas at Westminster the terms of the treaty were put forth in the form of a solemn charter, and another proclamation again denounced the unlawful castles and all breaches of the peace of every kind. In another gathering at Oxford, the King's son Earl William and all the chief men of the land did homage to Henry Duke of the Normans as the chosen successor to the English Crown. According to one account, the new heir-apparent was actually invested with the office of Justiciar;[1] at all events he made it his duty carefully to look to the peace of the land. In another assembly held at Dunstable some displeasure was expressed by the Duke that the destruction of the castles had not been carried out so thoroughly as it should have been. But there was no open breach between him and the King; and we have the word of the national Chronicler that the land now enjoyed such a peace as it had never enjoyed before, that is, we may suppose, such as it had never enjoyed since the death of Henry.[2]

The castles to be destroyed.

Issue of proclamations.

Assembly at Oxford. January 13, 1154.

Homage done to Henry.

Assembly at Dunstable; partial destruction of the castles.

General peace.

For the first time in our story, a devise of the Crown made before the actual vacancy took effect. The treaty between Stephen and Henry did not pass away like the two other treaties with which I have compared it. Henry went back to his duchy. Meanwhile in England men said that Stephen at last was really King.[3] He was now able to act vigorously against the unlawful castles,[4] and

Last days of Stephen.

[1] R. Howden, i. 212. See Stubbs, Constitutional History, i. 333.

[2] Chron. Petrib. 1140. "Hit ward sone suythe God pais, sua þæt neure was here."

[3] Hen. Hunt. 228; Will. Neub. i. 30. So the Chronicler; "þa was þe k. strengere þanne he æuert her was." Yet Gervase (1376) speaks of a conspiracy of the Flemings to kill Henry, which William knew something about.

[4] Hen. Hunt. 229; Will. Neub. i. 32. Yet Henry implies that it

CH. XXIII. to attend to ecclesiastical affairs, especially to supplying the vacant see of York with an Archbishop.[1] But his new reign was a short one; before the year was out, Stephen died at Canterbury,[2] and was buried by his faithful Queen in the monastery of his own founding at Faversham. There was no doubt as to his successor. So great was the longing for peace, so great was the fame of Henry, all men looked to him with such trust as the man who had at last made peace and would keep it, that the interregnum passed by without disturbance.[3] For a few weeks the rule of England was in the hands of Archbishop Theobald.[4] Then Duke Henry crossed the sea, he was gladly received by all men, and on the Sunday before Midwinter day, eighty-eight years after the crowning of his mother's grandfather, Henry the Second, the inheritor of the name and the greatness of the First, was anointed King at Westminster.[5] Presently the adulterine castles were swept away, and the Flemish wolves were driven out of the land.[6] England had again a King; the reign of law had begun once more; and men deemed too that the old days had come back, now that England had again a King of the blood of Eadgar the Peaceful and Eadward

Death of Stephen, October 25, 1154.

The Interregnum. October 25–December 20.

Coronation of Henry. December 20, 1154.

The castles destroyed, and the mercenaries driven out.

Restoration of the

was only Stephen's death which hindered disturbances from beginning again.

[1] See above, p. 315.

[2] The hostile Winchester Annalist sends him out of the world with an uncharitable hint; "Hoc anno migravit rex Stephanus ad locum quo eum merita sua ducebant."

[3] See Hen. Hunt. 228 *b*; R. de Monte, 1154. So the Chronicler; "þa þe king was ded, ða was þe eorl beiondē sæ, and ne durste nan man don oþer bute god, for þe micel ege of him." The words seem borrowed from the picture of his grandfather.

[4] According to Gervase (1376) the peace was kept "nutu divino et cooperante Theodbaldo Cantuariensi archiepiscopo."

[5] Hen. Hunt. 328 *b*; Will. Neub. ii. 1; Gervase, 1376. Oddly enough, it is only Robert de Monte who uses the phrase "ab omnibus electus et in regem unctus." William of Newburgh says, "hæreditarium regnum suscepit."

[6] Gervase, 1376, speaks of "Flandrenses lupi," "lupi aulici."

the Unconquered. King Henry, as much and as little Norman as he was English, felt no scorn to listen to panegyrists who cast aside his descent from the princes of Normandy and Anjou, and hailed him as the King of the right kingly stock, the son of Matilda, the daughter of Matilda, the daughter of Margaret, the daughter of Eadward, the son of Eadmund, the son of Æthelred.[1] Rufus, Henry, Stephen, all had the blood of Cerdic and Woden in their veins no less than Henry the Second. But men had forgotten a pedigree which had to be traced through a long line of foreign princes in Flanders. Henry's descent from the old stock was nearer and clearer to men's eyes. The prophecy of the dying Eadward had been fulfilled; the days of usurpation and foreign rule were over; the green tree had come back to its place; if its Imperial leaves were somewhat withered, its kingly fruit was there in all its richness and sweetness.[2] In all this there was something of the willing delusion of a people that takes its memories for hopes. But there was truth in the feeling also. The time of mere conquest, mere foreign rule, was over. England and Normandy alike were now to become for a while mere parts of a dominion on both sides of the sea such as had never been seen before. Of that dominion England was only so far the centre as she gave its sovereign his highest title. But no one could any longer hint that she was a dependency of a single duchy on the mainland. England was in one

CH. XXIII. old kingly line in Henry.

Fulfilment of the prophecy of Eadward.

The time of conquest now over.

England and Normandy both parts of a wider dominion.

[1] This is the burthen of the epistle written by Abbot Æthelred to Henry at some moment between his marriage with Eleanor and the death of Stephen, which bears the name of Genealogia Regum Anglorum (X Scriptt. 347). Henry is "Andegavensium gloria, Normannorum tutela, spes Anglorum, Aquitanorum decus;" and again, "Normannorum et Aquitanorum dux, Andegavensium comes, Angliæ hæres." The whole point of the tract is to set forth Henry's English descent, which is traced up to Ecgberht, Cerdic, Woden, Noah, and Adam, without a word either about William and Rolf or about Tertullus and Torquatius.

[2] See vol. iii. p. 11.

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Position of England under Henry the First and Henry the Second.

sense more independent, more powerful, more truly England, under Henry the First than she was under Henry the Second. Henry the First was at least born on English soil, and England was the greatest part of his dominions. It was Normandy, conquered by the might of England at Tinchebrai, that was the dependency. Henry the Second was born, not at Selby, but at Le Mans, and the vast continental dominions which he ruled as Duke and Count counted for at least as much in his eyes as the island which made him a King. But it was England which did make him a King; the King of the English —changing step by step into the King of England—was the greatest prince of the West, far greater than his nominal lord at Paris, equal in real power even to the renowned Emperor whose rule began almost at the same moment as his own. And, with the fame of her King, the fame of his kingdom grew in foreign lands, and the feeling that they belonged to one of the greatest powers of the world grew in men's hearts within his kingdom. Under Henry, England is no dependency of Normandy; Normandy is no dependency of England; none of the lands united under his rule is a dependency of any other. If his rule was not purely English, the course of his reign paved the way for a rule which should be purely English. The merely Norman period of our history has passed away, when we have a King who, if not born on English soil, if sprung of English blood only through a remote female descent, was at least not a Norman, save in a sense in which he might equally be called an Englishman.

Great European position of Henry the Second.

Accession of Frederick Barbarossa. 1152.

End of the Norman period.

CHAPTER XXIV.

THE POLITICAL RESULTS OF THE NORMAN CONQUEST.[1]

AS we have now reached the end of the strictly Norman period of English history, our main narrative is done. We have now only to give such a short sketch of the century and a half that followed, from the

[1] At this stage I bid farewell to the continuous use of ancient writers, as direct authorities in the way of narrative. The original materials for this Chapter are to be found alike in the direct statements and in the casual expressions of a crowd of writers of all dates, both those to whose guidance we have been hitherto used, and many others. It is not my business here to write a complete Constitutional History, even of the times with which I am immediately concerned. If I had ever thought of doing so, any such design would have been made needless by the appearance of the great work of Professor Stubbs, after my last Chapter was written, but before this Chapter was begun. To his work I would send all who wish to go minutely into the details of the whole subject. What I have endeavoured to do myself is to give a sketch of results, looked at from the special point of view of my own History, keeping such points of detail as it seemed impossible to pass by for discussion in the Appendix. How much I have benefited by Professor Stubbs' work will be seen in every page. On most points it will be seen that my notions are the same as his; and I could not always undertake to point out where I have directly learned from him, and where views to which I had been led by independent research have been confirmed by his authority. On some points however I have ventured to adhere to views already formed which are not exactly the same as his. But, whether we admit every one of the Professor's conclusions or not, the book is one which stands almost alone for a knowledge of its subject which is absolutely exhaustive, and for an accuracy in detail which is absolutely unfailing. But my Appendix will show that I have not gone to Professor Stubbs only, but that I have made use of other writers, ancient and modern, German and English. Sir Francis Palgrave's History of the English Commonwealth

CH. XXIV. accession of the Angevin dynasty to the death of Edward the First, as may point out the way in which the immediate results of the Norman Conquest passed away, while its lasting results remained and bore fruit. Speaking generally, we may say that the final results of the Norman Conquest were to call forth again the Old-English spirit under new forms, and, in the same way under new forms, to put a fresh life into the Old-English institutions which for a moment might seem to have been swept away. It was said long ago, by one whose lightest words were weighty, that England was "assuredly a gainer by the Conquest."[1] And so it was, though perhaps not altogether in the sense in which those words were meant by him who spoke them. England was a gainer by the Conquest. But England gained, not so much by anything which our Norman conquerors brought with them, as through our own stores which it was an indirect result of the Conquest to preserve to us. When we compare our history with the history of kindred lands beyond the sea, with Germany or with Denmark, we shall see that the final effect of conquest by the stranger was to enable us to preserve more of the spirit and institutions of earlier times, to keep up a more unbroken continuity with earlier times, than fell to the lot of our kinsfolk who never underwent such a momentary scourge. We have never had to build up again our political system from the beginning. We have never had to draw up a constitution; we have never been left without a national assembly. We may still use the language of King Henry's charter, and say that the

The Norman Conquest brings out and strengthens the English spirit.

Sense in which Gibbon's remark is true.

Unbroken political continuity of English history.

remains a memorable book, even beside its greater successor. The works of Dr. Gneist, *Das Englische Verwaltungsrecht*, Berlin, 1867, and *Self-government, Communalverfassung, und Verwaltungsgerichte*, Berlin, 1871, have also their use, but in point of accuracy they form a marked contrast to that of Professor Stubbs. Several other German works which bear on special parts of my main subject, or which deal with English matters only as parts of a wider whole, will be found referred to elsewhere.

[1] Gibbon, cap. lvi. vol. x. p. 253, ed. Milman.

laws by which we are ruled are the laws of King Eadward with the changes made by King William. We have never seen, as Denmark saw, the growth of a nobility whose privileges were so great and so hateful that, sooner than any longer endure their yoke, the nation threw itself at the feet of the King, and clothed him, by a legal act, with the full powers of a tyrant. Denmark is again free; but her freedom is a thing of yesterday; it is not an unbroken inheritance handed on from the days of Swegen and Cnut, but the grant of a patriotic King of our own day. We have never split asunder, as Germany did, under the power of a crowd of petty princes, trampling under foot alike the lawful powers of the Crown and the rights and liberties of the people. Germany too, like Denmark, has risen in our own days to a truer life, but that too is not an unbroken life. It is a life which was kindled afresh by the presence in the land of enemies speaking the same tongue as those who overcame us on our own soil seven centuries and a half earlier. As the Norman Conquest of England preserved the old national life of England, so the momentary French conquest of Germany stirred up again the old national life of Germany. But there was this difference, that the one preserved and the other stirred up. In Germany the invader was a mere foreign enemy who had simply to be driven out as soon as the nation had gathered strength for the good work. In England the invader was a disguised kinsman, who could be won over and changed into a fellow-worker. Still neither in Denmark nor in Germany has there been the same unbroken political life which we can trace in England. The mission of preserving, often in new forms, but in new forms quickened by the old spirit, the ancient institutions of the Teutonic race has been given to the Angle and the Saxon, not in their older land, but in the island which they made their second home. And this preservation of our ancient national being

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Comparison with Denmark;

1848.

with Germany.

1813.

The unbroken Teutonic political life best preserved in England.

This preservation largely

CH. XXIV. due to the Conquest and the Conqueror.

we owe, more than to any other cause, to our momentary overthrow by men of another speech. And we owe it in no small degree to the personal character, the iron will, the far-seeing wisdom, of the Conqueror himself.

The general results of the Conquest form the subject of the present volume. Its immediate results on the constitution and the general position of England form the special subject of the present Chapter. We have to see how the state of things at home and abroad was affected by the transfer of the Crown to a King of foreign birth, the possessor of foreign dominions, who, as a matter of fact, made his way to his Crown by the power of the sword, but who in all things carefully gave himself out as one who had succeeded to the kingdom by legal right.

Effects of William's peculiar position.

This peculiar position of William has affected all our later history. There have been revolutions and conquests of many kinds. An internal revolt which changes a form of government, which overthrows a King or a dynasty

Various forms of revolution, conquest, and annexation.

—the peaceful accession of a foreign King, either by election or by the accident of hereditary succession—the settlement in a new land of a chief and his people who win for themselves a new home and cut asunder all ties which bound them to the old one—the annexation of one country to another, as the mere result of war or negotiation—all these are events which have happened in many times and places in the world's history. Several of them have happened at different times in the history of our own island. The Norman Conquest of England has points of likeness to several of them; but in so far as it is like one it is unlike another. It is in itself something different from any of the various forms of conquest and revolution which we have just gone through. None of them by itself could have had the peculiar results which William's conquest of England had.

Comparison of them with the Norman Conquest.

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A mere internal revolution, without any pressure from without, may, as the example of France shows, cut a nation off from its own past, in a way that has never happened to this island or its inhabitants since we ourselves made our way into it. A mere foreign annexation, the result either of open conquest or of force veiled under the guise of diplomacy, may, as the world has seen in Poland and elsewhere, altogether blot out the national being of a people. The incoming of a foreign dynasty, perhaps the mere incoming of a foreign Queen, may sometimes change the whole internal state of a country. It may sometimes involve a country in a system of foreign policy before unknown to it. The internal condition of Scotland was altogether changed through the marriage of Malcolm and Margaret; the European condition of England was altogether changed by the election to her Crown of princes of the houses of Orange and Hanover. In the time with which we are now immediately concerned, a change of this last kind affected both England and Normandy, when kingdom and duchy together passed to the Count of Anjou and the Duchess of Aquitaine. And, to go back to earlier times, a nation settling in a conquered land, parting wholly from their old home and sweeping away the former inhabitants of their new home, may start afresh as a new nation on a new soil, and may begin a new history which has hardly any reference to the former history either of the land of their origin or of the land of their settlement. This last we ourselves did when we left the elder England by the Elbe and the Eyder, to make a new England by the Thames, the Severn, and the Humber. The great change which Domesday marks by the simple formula that "King William came into England" differs in itself and in its results from all these. William, as we have so often seen, claimed the Crown according to English law. It was therefore his policy to profess all

Analogies and contrasts with France,

Poland,

Scotland;

the English Revolution of 1688;

the Angevin succession in England;

the English Conquest of Britain.

CH. XXIV. reverence for the law by which he claimed it, to make no more change in the laws and customs of his kingdom than was absolutely forced upon him by the circumstances in which he found himself. In this he differs from domestic revolutionists, whether their revolution takes the form of anarchy or of tyranny, of popular revolt or of royal oppression. He differs alike from Charles and Philip trampling out the liberties of Castile and Aragon, and from those destroyers alike of good and bad who have made the France of the old monarchy a thing further away from our own days than the England of the West-Saxon Kings. But though William was no systematic, no deliberate, destroyer of the state of things which was before him, yet his character of legal claimant would have stood him in little stead had he not been able to maintain it by force of arms. And, as a stranger, he could maintain it only by the swords of strangers. Hence some of the results of foreign conquest could not fail to follow on his accession. He did not sweep away our laws, our customs, or our language, but the presence of the stranger King and his stranger followers modified law, custom, and language in a way which has left its traces to this day. Lastly, William was not only a foreigner but a foreign prince, a prince whose conquest of England in no way carried with it the surrender of his older dominions. His chief followers too were men who held lands beyond the sea, and who, in receiving new settlements in our island, had no mind to snap the ties which bound them to their own land. Thus the accession of the Norman Duke to the English Crown at once changed the European position of a kingdom whose ruler was now also one of the rulers of the mainland. In all these ways William's Conquest of England has a character of its own, different from any other recorded conquest, and it has had results different from the results which have followed from any other

Comparison with royal and popular revolutions,

and with foreign conquests.

Effects of the union of England and Normandy.

Special character of William's Conquest.

recorded conquest. It gave us a foreign infusion into our blood, our laws, and our language; but, in so doing, it aroused the old national spirit to fresh life, and gave the conquered people fellow-workers in their conquerors. It drew England, as an appendage to a foreign state, into foreign wars and foreign policy; but, in so doing, it taught England gradually to claim for herself a place in the European world such as she had never held before, and to go on fighting battles of her own where she began by fighting the battles of Normandy. It may be that, under other circumstances and by other means, we might have kept or won back our old laws and freedom, that we might even have kept them, as we have kept them, in a purer form than they have been kept or won back by any kindred nation. It may be that, under other circumstances and by other means, England might have come to fill the place in Europe which she filled under Henry the Fifth and under Elizabeth, under Cromwell and under Chatham. But, as a matter of fact, the course of our history at home and abroad, for the last eight hundred years, has been the direct result of the fact that our Crown was claimed and won by a foreign prince, who gave himself out as the lawful heir of England, but who had to cut his way to the English throne by the help of the swords of strangers.

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Its effects on the foreign relations of England.

The immediate results of the Conquest will thus fall into two great heads, of which the second will claim by far the larger share of our attention. The first is the effects of the Conquest upon the position of England as a power in the face of the world. The second is the effects which the same event had on the internal state of the country, on its written laws, on the system of their administration, on the relations of the various powers of the state and of the various ranks of society. With all these I shall attempt to deal in the present

External and internal effects of the Conquest.

CH. XXIV. Chapter. Some points of special interest, as the effects of the Conquest on language and on architecture, I shall keep for notice in separate Chapters.

§ 1. *Effects of the Norman Conquest on the External Relations of England.*

Isolation of the older England.

Up to the time of the Norman Conquest the isle of Britain still kept up in some measure its old character of another world distinct from the continental or Roman world.[1] Alone among the lands which had ever formed part of the Roman dominion, Britain had beheld the rise of a Teutonic power which inherited no share in the traditions or the civilization of Rome. Alone among the Teutonic settlers within the bounds of the elder Empire, the English had received their Christianity, not before their settlement, not during the progress of their settlement, but by a fresh and special mission from the general centre of Western Christendom after their settlement had been fully made. English kingship was thus something which arose altogether independently of the Empire, and beyond its bounds. No King of Angles or Saxons ruled, even in name, by an Imperial commission; none bore the title of Consul or Patrician of the ancient commonwealth. When English Kings took up Roman or Byzantine titles, they took up the Imperial titles themselves, as chiefs of a separate Empire, alongside of the Empire of the Western and of the Eastern Rome. No Church was more distinctly the child of the local Roman Church than the English Church; but, for that very reason, the English Church kept more of distinctness and independence than any other. While the other Western Churches might pass, sometimes for parts of the Roman Church, sometimes for its subjects, the Church of England kept the position, dutiful but not

Special character of the conversion of England;

of English kingship;

of the English Church.

[1] See vol. i. pp. 146, 626.

servile, of a child who has reached full age, and who no longer forms part of his father's household. To these special circumstances of our history we must add the natural effects of our position as an island. The same causes which had once made Britain fruitful in tyrants, which, while Britain was still a Roman province, had enabled Carausius and Maximus to hold it apart from the body of the Empire,[1] gave further strength to the other causes which tended to give our island a separate being apart from the common body of Western Christendom. Add to this again that the isle of Britain was not occupied by one nation or ruled by one sovereign. The relations between the various English settlements and their British and Scottish neighbours were enough to occupy the minds of Kings and people; they were enough to make Britain a world of itself, with its own politics, its own wars, neither influencing nor influenced by the wars and the politics of the continent. From all these causes it came to pass that Britain remained for ages insular beyond the other great islands of Europe, insular as Cyprus and Crete and Sicily could never be. It was an island world, a separate Empire, a separate Church, beyond the bounds of the Empire and the Church of either Rome. Its intercourse with other lands, either for war or peace, had been rare and slight in all ages. If the hand of the Great Charles had not been wholly unfelt within its bounds,[2] it had been less felt than in any other European land which had heard his name. The chief form of intercourse that England had had with other lands was of a kind which served, not to connect it more closely with the general Roman body, but to cut it off more completely from it. For two centuries the chief attention of England was fixed on the great struggle with the Danish invaders. Whether as conquered or as conquerors, the English Kings and the English people had

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Effects of the insular position of Britain.

Britain a separate political system.

Britain insular beyond other islands.

Effects of the Danish wars;

[1] See vol. i. p. 146.

[2] Ib. p. 626.

CH. XXIV. of the Empire of Cnut.

enough to do in their own island. The final, though momentary, result of that long struggle was of a kind which bound her more closely to one part of the continent than she had ever been bound before, but it was to a part of the continent a connexion with which by no means strengthened any connexion with the general body of the Western world. Under Cnut, England became for a moment the seat of a Northern Empire, an Empire of islands and peninsulas, which in extent and power might almost rival the Empire of the mainland. She became the head, the elder sister, of all the lands, Teutonic and Celtic, which had accepted the religion of Rome, but which had either thrown off or never submitted to her temporal dominion. Had the dominion of Cnut lasted, Northern Europe would have balanced Eastern and Western, and Winchester would have ranked among the cities of the earth alongside of the Rome of Romulus and the Rome of Constantine. Such an Empire would not have been cut off from intercourse with the elder Empires; but the intercourse which it held with them would have been of quite another kind from that which brought the states of Western Europe together either for war or for peace. The dominion of the great Dane was not, and could not be, lasting; but, had it lasted, it might have seemed no more than the natural carrying out of tendencies which had been at work for ages.

England brought nearer to the Romance nations by the Conquest.

Earlier tendencies;

Yet before Cnut died or reigned, the seed of the change which was actually to take place had been already sown. England never wholly lost her insular character; she never was wholly cut off from her brotherhood with the kindred nations of the mainland; yet one of the main effects of the Conquest was to bring her into a far nearer connexion than before with the nations of the Romance speech. Here too, as in everything else, the Conquest did but strengthen tendencies which were

already at work. Whether we count it really for a cause, or simply as a sign of causes which had already been brought into play, the marriage of Emma marks the first stage in the change which was wrought out by the arms of her great-nephew. It was on his descent from her that William rested his strange claim to the English Crown by descent or nearness of kin.[1] This was indeed a result which no man in the days of Æthelred could have foreseen, yet, even at the time, the Norman marriage might have been marked as the beginning of a new æra. The marriage of Æthelred and Emma led directly to the Norman education of their son, and to all the Norman tendencies which distinguished his reign. We have seen that the promotion of strangers, the building of castles, the closer connexion with the Roman see, all the points which distinguish England after the Norman Conquest from England before it, began in the reign of Eadward, and simply bore their full fruit under William. The English spirit of Godwine and Harold checked the foreign influence for a time; but even they could not wholly root it out. Cheerless as was the counsel which Robert the son of Wymarc gave to William on his landing,[2] yet the fact that there was a Norman, high in wealth and office, ready to give him any kind of greeting on his landing, was a sign that the work of the reign of William had already begun in the reign of Eadward.

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the marriage of Emma.

The reign of Eadward.

But while, in other respects, the actual Conquest did but carry out more fully the system which Eadward began and which Godwine and Harold had checked, one form which the new state of things took was wholly unknown before William's day. In his day, for the first time, English troops began to make war on the continent in quarrels not their own. If, in the days of Æthelstan and Eadmund, English fleets had shown themselves in

Beginning of English warfare on the Continent.

Earlier instances always by sea.

[1] See vol. i. p. 332.

[2] See vol. iii. p. 413.

CH. XXIV. the Channel as allies in Gaulish warfare, it had been to assert the rights of a prince who might almost have passed for an Englishman. If, in the days of Æthelred, English troops had landed in the Côtentin, it was to avenge the help which Normandy had given to the invaders of England.[1] During the reign of Eadward warlike operations beyond our own island were twice proposed and once decreed. But both times all that was thought of was action by sea, and in both cases the friend to be helped and the enemy to be withstood were both of kindred race. Help was refused to Swegen of Denmark against Harold of Norway,[2] and help was decreed to Henry of Germany against Baldwin of Flanders.[3] But it does not seem to have come into the mind of any man in England, not even into the mind of the Normannized King himself, to give help to Eadward's Norman friend and cousin, either against his rebels at Val-ès-dunes or against his invading over-lord at Varaville. Strangely enough, the first thought of any interference of England in the internal politics of Gaul, the thought of seeking for French or Angevin allies, seems to have been the thought of Harold and not of Eadward.[4] But here again we have only a link in the same chain. If Harold dreamed of seeking friends at Paris or Angers, he sought them only to form a diversion against the threatening power at Rouen, a power which, but for Emma and her son, could never have cherished the thought of threatening England. But, as soon as the Duke of the Normans became also the King of the English, the blood of Englishmen began to be shed in quarrels purely Norman. We have seen Maine won for William by Englishmen, fighting perhaps under the command of Hereward himself.[5] We have seen William's life saved from his rebellious son by the gallant devotion of Tokig of Walling-

Foreign negotiations of Harold.

Continental exploits of Englishmen under William.

[1] See vol. i. p. 330. [2] See vol. ii. p. 92. [3] Ib. p. 99.
[4] See vol. ii. p. 430; vol. iii. p. 181. [5] See vol. iv. pp. 486, 557.

ford before the walls of Gerberoi.[1] But when Englishmen were once carried beyond sea to fight in the quarrels of others, they soon began to make the quarrels of others their own. The national spirit revived; it found for itself a new field, when Normandy was won by the arms of Englishmen for a King of English birth. And when Englishmen once began to fight in the old quarrel between Normandy and France, they soon changed that local quarrel into an abiding national enmity between France and England. Under the Conqueror England begins to play a part in continental quarrels. But it plays a part only as an appendage to a continental duchy, sending its sons to fight in a purely Norman quarrel at the bidding of a purely Norman master. Under the English-born Henry this state of things grows into another. England, no longer an appendage to Normandy, but the conqueror of Normandy, appears upon the general scene of European politics as the enemy of France and the ally of Germany. Something of a foreshadowing of those relations had been seen when Otto and Eadmund both stepped in to support the rights of Lewis of Laon against Hugh of Paris. But when the two Henries are joined together against the Parisian King, we have the very state of things which Europe has since seen so many times repeated, from the day of overthrow at Bouvines to the day of victory at Waterloo. As a direct result of her conquest by the Norman, as a direct result of her acting for a moment as an appendage to a continental duchy, England stands forth under her own Henry, no longer as the island world of her former being, but as one of the great kingdoms of the European world, as one of the great members of the Western commonwealth. And, strange to say, her Conquest by men of Romance speech was the cause that, when, for the first time, she shows herself before the

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Effects of the French wars,

under William,

under Henry.

The alliance with Germany.

[1] See vol. iv. pp. 648, 731.

CH. XXIV. world in that new character, it was to play her part as the foe of the Romance-speaking King, as the friend of the Teutonic Emperor.

New European position of England under Henry the First.

Under Henry the First then we may fairly say, not only that the King of the English was one of the chief potentates of Europe, but that England was one of the chief states of Europe. The Norman Conquest had given to the island kingdom a kind of greatness which had never belonged to it before. England had been drawn into the general European world as an appendage to Normandy; but, from the day of Tinchebrai, we must count Normandy as an appendage to England, and look on England as holding her European position in her own right. Then came the time of anarchy; then came the accession of the Angevin dynasty. England, as part of the vast dominions of Henry the Second, might seem to lose somewhat of her relative importance. She was no longer, as she had been under Henry the First, incomparably greater than the whole continental possessions of her King. But she was still his greatest possession.[1] The continental dominion of Henry was not a single united kingdom, joined together under one immediate government, and whose inhabitants were bound together by a common national feeling. Instead of this, he ruled over an unconnected group of duchies and countries, widely differing in blood, language, and manners, bound together by nothing but their allegiance to a common prince. If England was not greater than all Henry's continental possessions put together, it was certainly far greater than any one of them taken by itself. England was to Henry the Second very much what Castile was to Charles the Fifth. In either case the European position of the cosmopolitan sovereign depended largely upon his other

Her place under Henry the Second.

England under Henry the Second like Castile under

[1] Will. Neub. ii. 32. "Rex Anglorum senior [Henricus secundus sc.], malens sibi fines suos transmarinos periclitari quam regnum."

dominions; but it was the strength of the insular or peninsular kingdom which enabled him to keep his hold on his distant possessions, and thus to maintain his European position. Add to this that mere titles go for somewhat; the power and fame and victories of a prince who holds many possessions by different titles will always go largely to the credit of that one among his possessions which gives him his highest title. This is clearly the rule, except when the title highest in rank is a mere shadow, or when it is drawn from a part of his dominions which is manifestly secondary. Thus the princes of Savoy played no small part in the world, while their highest title was taken, first from the purely imaginary kingdom of Jerusalem, and secondly from the least valuable part of their dominions, the island of Sardinia. But the advance of the Savoyard power certainly did not go to the credit either of the kingdom of Jerusalem or of the kingdom of Sardinia. Had Victor Amadeus kept the crown of Sicily, things might have been different. So again, as long as Charles the Fifth reigned, the majesty of the Empire overshadowed the real power of Spain; but, when his hereditary dominions passed to his son, it became plain that it was not the Roman Emperor, not even the German King, but the King of Castile and Aragon, who had really reigned over the Netherlands, Milan, and the Sicilies. But in Henry's case, though so large a part of his dominions was continental, though so large a part of his policy was continental, yet it was the insular kingdom, owning no superior upon earth, which gave him a place in men's eyes which could never have been held by a mere vassal. The Burgundian Dukes of the House of Valois, every rood of whose dominions was held of one or other of their two over-lords, could not, mighty as they were, claim the same position as our Angevin Kings. Under Henry the Second the fame

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Charles the Fifth.

Position of England as Henry's one kingdom.

Analogies and contrasts with the dominions of the House of Savoy;

with those of Charles the Fifth.

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Richard the First's exploits go to the credit of England.

and greatness of her King went to the credit of England; and this came out still more strongly when, in the days of his son, the crusading exploits of Richard spread the fame of England to the ends of the earth. Richard was indeed born in England; but he had not in him a particle either of English or of Norman feeling. Yet the mingled host which he led to the East passed in the eyes of other nations for an English host. The name of England became great in Sicily, in Cyprus, and in Palestine. Add to this that the power of Henry the Second was largely extended in another way which really added to the fame and dignity, if not to the strength, of England. No King of the English before him had ever so truly been Emperor of the lands beyond the sea. But, though the great homage of the Scottish King was done on Norman ground, it was the fruit of a victory won on English ground, and it was done, not to the successor of Rolf, but to the successor of Æthelstan. So again, the mixed multitude which set forth in the days of Henry to win for themselves lands in Ireland were men who set forth to fight rather for their own hands than on behalf of any prince or any nation. But it was from England that they set forth. It was the King of the English, not the Duke of the Normans, who received the submission of the Irish princes; and, if Henry or his successors drew any strength or any credit from their dealings with Ireland, it was in their English, not in their continental, character that they drew it. In all these ways, the general position of England grew under the Angevin Kings; it grew even by the extent of that continental power which seemed almost to overshadow it. Of the vast dominion of Henry, England was at once the head and the centre. It was not the Duke of Normandy or Aquitaine who reigned in England, but the King of the English who reigned from the Orkneys to the Pyrenees.

Henry the Second's dominion over all Britain.

Scottish homage to England. December 8, 1174.

The conquest of Ireland an English conquest.

England was thus, through a variety of causes, all of which had their root in the Conquest wrought by William, placed in quite another position in the eyes of the world from any that she had ever held under her native Kings. And she was so firmly placed in it that she could still keep it, even after the immediate causes which had placed her in it had passed away. It was through her relations with Normandy that England had first become a chief actor on the general scene of European affairs. But it soon appeared that her relations with Normandy had been merely the accidental cause which had drawn her forth, and that she was quite able to keep her place, even after her relations with Normandy had come to an end. The loss of Normandy under John had its effects on the position of England within and without. Within, it gave the finishing stroke to the process of fusion between Normans and English. It made all the men of the English kingdom feel themselves henceforth Englishmen and nothing else. Without, it had an effect of exactly the same kind. The English Kings still kept large continental possessions; but from that time it was plain that they held them as English Kings. The parts of their continental dominions which the English Kings kept were exactly those which were furthest off, and which had least in common with either their English or their Norman dominions. They no longer reigned on the Seine and the Loire; but they still kept castles in the Pyrenees and cities on the Adour and the Garonne. Now, whatever remembrances of the time when Normandy had conquered England might still linger in Norman breasts on either side of the Channel, no man could say that Aquitaine had ever conquered England.[1] Neither had

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Effects of John's loss of Normandy.

It completes the fusion of Norman and English.

Aquitaine retained as an English dependency.

[1] Yet see the wonderful entry (which I have quoted, vol. iii. p. 729, Ed. 2) from the Annales Altahenses (Pertz, xx. 817); "Hac æstate Aquitani cum Anglo-Saxonicis navali prælio pugnaverunt, eosque victos suo dominio subjugaverunt."

CH. XXIV. England ever conquered Aquitaine; but England and Aquitaine fell into the position which is natural when two countries of very unequal power are united under a common prince. Aquitaine became a dependency of England, an unwilling dependency, if we look to one class of its inhabitants, a most willing dependency, if we look to another. Bourdeaux and Bayonne well knew their interest in cleaving to the cause of the more distant master. But the land was still a dependency. It was a possession, not of a native Duke, not of a Norman or Angevin prince, not of the master of a cosmopolitan empire, but simply of a King of England. Henceforth all our continental wars are distinctly and purely English wars, wars waged to maintain the real or supposed power and honour of England. When Aquitaine is lost and won again—when Edward the Third wins, and when Mary loses, Calais—when Henry the Fifth not only wins back Rouen, but holds sway in Paris itself—when, last of all, Henry the Eighth makes our latest conquest of Boulogne—at all these stages the strife is purely English. It is a quarrel which the Englishman had inherited from the Norman, but it is a quarrel which he had long learned to look on as his own. Normandy taught England to become a continental power; she taught her to become the special rival of France; and, having done this, she gave up as it were her own separate being, and herself sank into a French province.

Division of feeling in Aquitaine.

The great cities for England.

English wars with France.

Working of Normandy on England.

Such was the course which our history has actually taken. It is perhaps vain to guess what course it might have taken, had the light-armed English on Senlac faithfully obeyed the orders of their King. Yet we can hardly keep ourselves from the thought that, had the Norman Conquest never happened, our European position could hardly have been what it actually has been. If England and Gaul had never been brought into that close communion which the Norman Conquest brought about, we may con-

ceive that we should have held a place in Europe, higher doubtless in degree, but essentially the same kind, as that which has been held by our kinsmen of the Scandinavian North. Our geographical position would have hardly allowed us to remain so thoroughly a world of our own, so thoroughly cut off from the general course of European politics, as even Denmark, and, still more, Sweden and Norway have commonly been. We may compare our great days of continental prowess in the fourteenth and fifteenth centuries with the passing splendours of Swedish victory under Gustavus Adolphus and Charles the Twelfth. There is indeed the difference that, in the latter case, the chronological order of the wise conqueror and the mere knight-errant is reversed. Henry the Fifth may stand beside Gustavus, while Edward the Third, when his trappings of chivalry are torn aside, can hardly ask for a higher place than Charles the Twelfth. But the English conquerors at least appeared some centuries earlier than their Swedish followers, and those days of exceptional and momentary continental conquest are far from making up the whole European career of England. Our insular position, combined with the career which was fixed for us by our Norman Conqueror, has given England a special position of her own in Europe. She can choose, almost at pleasure, in a way in which hardly any other European state can choose, whether she will take a part in the affairs of the continent or stand aloof from them. We can either play the part which our Norman Conqueror opened to us, or we can fall back on the part of the older England of Æthelstan and Eadgar. We can again be the island Empire surrounded by its vassal states, vassal states no longer to be looked for in our own group of islands, but in the kingdoms which we have won, the colonies which we have planted, in the lands beyond either Ocean.[1]

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Comparison of England and Scandinavia.

Analogy with the conquering Kings of Sweden.

Exceptional position of England.

[1] See vol. i. p. 69.

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Ecclesiastical effects of the Norman Conquest.

Encroachments of the See of Rome.

English resistance.

Silence of Hildebrand as to Investitures in England.

In this way the whole later history of England with reference to foreign powers has been affected by causes of which the Norman Conquest was the beginning. Alongside of this influence on our political and military history, the same event had also an influence not less marked on our ecclesiastical history. But while, from the political and military side, increased intercourse with the rest of the world meant increased fame and strength, from the ecclesiastical side it meant only further subjection to a foreign power. Through the whole of the four reigns which we have gone through, we have seen the encroachments of the Roman see grow bolder at every step, and we have seen that every stage of encroachment is marked by contemporary writers as an innovation on the ancient laws of England. But we have seen how vigorously both the Kings and the clergy of England withstood those several forms of innovation which touched their several interests. The two points for which Hildebrand had so zealously striven were both alike innovations on ancient English practice, and both alike were firmly withstood. We have seen that Hildebrand and his successors never ventured to suggest to either William that he should give up the ancient custom of his predecessors by which the Bishop and the Abbot received their staves from the King. Few things in our whole story are more remarkable than this utter silence of the great Pontiff. The right of investiture was the great point of strife between the Papacy and the Empire; but not one word is breathed against the exercise by the King of the English of the very power which is so loudly denounced in the Emperor. Gregory makes other demands on William, demands some of which are refused; he even calls on him, though vainly, to do homage for his Crown;[1] but no hint is given that William brings on himself any guilt by a practice which was deemed so

[1] See vol. iv. p. 432.

guilty in Henry. Gregory must have deemed that, of the two things, William was more likely to give up the external dignity of his Crown than to give up the exercise of its ancient rights within his kingdom. The one sacrifice is asked for, but in vain; the other is not even asked for. The question of investitures never troubled the mind either of the politic Lanfranc or of the saintly Wulfstan. The investiture of the Bishop by the King forms the very life and soul of the most famous of the legends which have gathered round Wulfstan's name.[1] The question never troubled the mind of Anselm, till, in his foreign sojourn, he learned that the ancient law of England was proscribed by the decrees of a continental Council.[2] At last the question was settled by the calm policy of Henry, who gave up the outward ceremony, knowing that all that it really implied still remained his own. Now that the ingenuity of Randolf Flambard had found out that Bishops and Abbots were the military tenants of the King, bound to do homage to him for their temporal benefices, the King could afford to give up the ceremony which to tender consciences looked like a claim to bestow the spiritual office. In truth Henry gained more by this compromise than he lost. Still, as a matter of form, it must be set down as a step in the advance of the power of Rome in England, when the use which the holy Eadward had freely practised was given up in deference to rules laid down by an Italian Council.

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No scruples about Investitures among the English prelates.

Settlement under Henry the First.

But the advance of the Roman power was also marked in more practical ways. From the accession of William onwards, applications to Rome, and visits of Legates from Rome, become more and more frequent. Questions which in earlier times would have been settled by the powers of the national Church and State begin, step by step, to be referred to the judgement of the Roman Pontiff

Roman encroachments under the Conqueror.

[1] See vol. iv. pp. 380-382. Cf. Giraldus, Spec. Eccl. iv. 34.

[2] See above, p. 144.

CH. XXIV. or his representatives. As William had craved the blessing of Rome on his enterprise, so, on one solemn day at least he received his Crown at the hands of Roman Legates.[1] In Eadward's days the Norman Robert was driven from the see of Canterbury by the voice of the English people. In William's days English Stigand was deprived of the same see by the authority of the Roman Pontiff. The Legates come oftener and oftener; even in Henry's reign a simple presbyter, deputed by the Pope of one world, presumed to displace the Pope of the other world in his own church. And we have seen how the only way to avoid such degradation was for the Patriarch of Britain himself to become the representative of his Roman brother.[2] If these things were done under Henry, it is not wonderful that we find Stephen stooping to ask for a papal confirmation of his election to the Crown,[3] or that, throughout the troubles of his reign, the Legate of the Holy See, whether a stranger or an English prelate, holds a place of marked superiority among the temporal and spiritual chiefs of the kingdom. In the Councils which the Legates hold we find the practice of appealing to a foreign court at once fast gaining ground and censured as a novelty by the English writers of the time.[4] At last we see the right to the Crown of England solemnly discussed before the papal tribunal,[5] and the Bishops of England are forbidden by the Pope to take any part in the coronation of the son of their King.[6] Such a coronation might indeed be taken as a breach of the right of the English nation to a free choice at the next vacancy of the Crown; but it is hard to see how the Roman Bishop could have any interest in the matter. In all these different ways the power of the Roman see over our island was strengthened; the state of things thus grew up which called forth the first resistance

Action of the Legates under Henry.

Humiliation of Stephen.

Practice of appeals to Rome.

Coronation of Eustace forbidden.

[1] See vol. iv. p. 329. [2] See above, p. 236. [3] See above, p. 247.
[4] See above, p. 314. [5] See above, p. 326. [6] See above, p. 325.

of the second Henry and the more effectual action of the Eighth. CH. XXIV.

English share in the Crusades.

Another sphere of action which was opened to England by the Norman Conquest partakes both of the military and of the religious character, and it has been already incidentally glanced at. The first Crusade was in truth that which William himself led against England.[1] In the worthier Crusades against the Infidel which followed, England held no mean place. But we may be sure that it was mainly owing to the infusion of the Norman spirit of adventure that England came to take the share in them which she did. The Englishman, left to himself, was valiant in defending his own shores; he was ready to go on errands of devotion or charity to Rome, to Jerusalem, or even to India. When driven from his own land, he was ready to take service under a distant master, and to fight for the Eastern Cæsar as valiantly as he could have fought for a King of the house of Cerdic or of Godwine. But we may doubt whether the thought of combining warfare and devotion, the thought of going forth on an armed pilgrimage, would ever have come, without prompting from outside, into the mind either of Ælfred or of Harold. We may judge of ourselves in this matter by the part which actually was played by our Scandinavian kinsfolk. They had their share in the Crusades; but it was by no means a leading share. The expeditions of Sigurd the Crusader in Spain and in Palestine stand almost alone; and his brother Eystein thought that he himself[1] did more wisely by staying at home and working for the good of his own people.[2] Otherwise we might have looked for the countrymen of Harold Hardrada to bear the foremost share in enterprises in those regions of the world which had beheld his most famous exploits.

A result of the Norman Conquest.

Small share of the Scandinavians in the Crusades.

Crusades of Sigurd.

[1] See vol. iii. p. 321.

[2] See their discourse in Laing, iii. 178, 179.

CH. XXIV. The same change which came over the English some centuries before, seems now to have come over the Northmen. A few generations were enough to turn the Angles and Saxons, in their new world of Britain, into a people who had small thought of war or policy beyond that world. In the like sort, the Scandinavian nations seem, about this time, to have lost their spirit of distant enterprise, and to have confined their policy and warfare within the bounds of Northern Europe. If then Scandinavia took but a small share in the Crusades, we may doubt whether England, left to herself, even with her greater geographical advantages, would have taken a much greater share. From what part of Europe the crusading impulse really came, we see by the name which all the nations of Western Europe have ever since borne on Eastern lips. From those days till ours they have always been the Franks, Franks of course in the sense which the word *Franci* bore at Paris, not in that which it bore at Aachen. And among such Franks the Normans held a foremost place; one Norman indeed, the old Roger of Toesny, had waged a private crusade against the Saracens of Spain before Pope Urban had summoned all Christendom for the deliverance of Palestine.[1] The Norman brought the crusading spirit with him into England, he bequeathed it to his English-born descendants, he even taught it to Englishmen in the stricter sense, to the race whom he had conquered. In this way again England was drawn by the Conquest into the same general current as the other nations of Europe, and a large share of the dangers and the glories of the Holy Wars were borne by men who were English by blood or birth. The list of English crusaders begins with a company strangely grouped and strangely named. We have seen that the call to the first Crusade was obeyed by the foreign-born Ætheling Eadgar,[2]

The Crusades a *Frank* enterprise.

Share of the Normans in the Crusades.

English Crusaders.

[1] See vol. i. p. 514.

[2] See above, p. 94.

by the English traitor Ralph of Wader,[1] and by one worthier than they, but whose name still speaks of Norman influences, the martyr Robert son of Godwine.[2] Against the glory of one English Robert we must indeed set the infamy of another English Robert from the same shire, the renegade Robert of Saint Alban's, whom we hear of as passing to the service of Saladin and insulting the Christian defenders of Jerusalem in the last moment of their agony.[3] But all stains are wiped out by the last name on the list of Englishmen who did battle in the Holy Land. That list does not end till England had again a King bearing an English name and speaking the English tongue. It ends when Sir Edward of England, soon to be the greatest of her Kings, chose neither the tongue of his Angevin fathers nor that of his Provençal mother, but the native speech of his own kingdom, as the tongue which his interpreters were bidden to expound to the ambassadors of the unbelieving Soldan.[4]

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Edward the First.

Another point of increased intercourse with foreign lands was an almost necessary consequence of the accession of a foreign dynasty. We have seen how rare it was in the older time for an English King, Ætheling, or Ealdorman to seek a wife beyond the bounds of the Teutonic portions of his own island. English Kings had almost always married the daughters either of other English Kings, as long as there were any, or else of the great men of

Rarity of foreign marriages among the Old-English Kings.

[1] See above, p. 94, and vol. iv. p. 591.

[2] See above, p. 94, and Appendix R.

[3] See Benedict, i. 341, for the account of the treason of "quidam frater Templi, genere et natione Anglicus, Robertus de Sancto Albano." "Natione" merely implies a man's birthplace; "genere" implies his descent. To be "genere Anglicus" as well as "natione" implies either actual Old-English descent, or at least descent from several generations of foreign settlers.

[4] See Walter of Hemingburgh, i. 337. I shall have to speak of this passage in the next Chapter.

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their own kingdom. The foreign marriages of Æthelberht, of Æthelwulf, and of Æthelred all stand out as exceptions; and the first and the last of the three led to the two most important results in our whole history since our landing in the isle of Britain.[1] On the other hand, at least since the days of Ælfred, the daughters of English Kings had been far more freely given in marriage to foreign princes, Flemish, Saxon, and even French. Still, even these cases may be looked on as exceptional; if one daughter of Ælfred became the remote ancestress of the wife of the Conqueror, another and a greater, the wife of Æthelred the Ealdorman, had gained undying fame in her own land as the Lady of the Mercians.[2] If the foreign marriages of one daughter of Æthelred had cursed England with the first momentary visit of Eustace of Boulogne and with the longer sojourn of Ralph the Timid, the elder sisters of Godgifu had been given to the Ealdormen of the land, and two of their husbands, the traitor Eadric and the hero Ulfcytel, had marched with their royal brother-in-law to the hill of Assandun.[3] From the time of the Conquest onwards, the exception becomes the rule; English Kings now, for the most part, seek both wives for their sons and husbands for their daughters beyond the limits of their own kingdom. Unless the daughter of Malcolm and Margaret is to count as an English subject, no King between Harold and Edward the Fourth, and only one eldest son of a King,[4] married a wife of English birth. Many of these foreign marriages led directly or indirectly to political results; but

Kings' daughters more commonly married to foreign princes.

Foreign marriages become the rule after the Conquest.

[1] See vol. i. p. 333.

[2] See vol. i. Appendix F., Ed. 2.

[3] See vol. i. pp. 355, 363, 431, and p. 640, Ed. 2.

[4] The marriage of the Black Prince with the Fair Maid of Kent is the one case in our history of a Prince of Wales in the modern sense marrying an Englishwoman, unless any one chooses to count the son of Henry the Sixth as Prince of Wales at the time of his marriage with Anne Neville.

for Isabel of Angoulême and Eleanor of Provence there would hardly have been room for the career of Earl Simon. CH. XXIV.

When all traces of foreign origin had passed away from the descendants of the Angevin, when, in the houses of York and Tudor, we had again Kings who, if our tyrants, were at least our countrymen, the ancient usage came to life again, and Englishwomen were again deemed worthy to be the wives and mothers of English Kings. Under the Stewart dynasty the foreign fashion set in again, to receive one blow in the marriage which gave us two English Queens in the daughters of James the Second. It was further strengthened, like other foreign fashions, by the coming of the Hanoverian dynasty, till in our own days we have seen another blow dealt to the servile tradition, a tradition in which we must see one of the results of the coming of William, but which would have seemed as strange and contemptible to William himself as it would have seemed to Ælfred. English marriages under the Tudors.

In all these various ways the effect of the Norman Conquest was to make England a member, and a most important member, of the general European commonwealth. Instead of living a life of her own, as Scandinavia, and to some extent Spain, has done, the island realm has had a more constant influence on general European affairs than either of the peninsular realms. But the result of this change is not confined merely to wars, negotiations, and royal marriages, or to the increased power of the Roman see over England. An increased intercourse of every kind with other European lands was an immediate result of the Conquest. Hitherto the commercial dealings of England had been almost wholly confined to the kindred lands of Germany and Flanders. We have seen how, in the old mercantile Institutes of London, though the Norman and the Frenchman were not shut out, yet it was the "men of General increase of intercourse with the Continent.

Trade with Germany not hindered.

CH. XXIV. the Emperor" whose visits were specially encouraged, and who were placed almost on a level with the natives of the land.[1] The Norman Conquest, followed by the accession of the Angevin dynasty, in no way discouraged the German trade, while it still further quickened the Flemish trade,

and trade with Gaul increased.

and opened all the ports of Gaul to constant intercourse with England. It must have made a vast change in the commerce of Western Europe when the mouths of the Seine, the Loire, and the Garonne were in the hands of the same prince as the mouths of the Thames, the Severn, and the Humber. One most important result of the military conquest of England was the way in which it opened the path for peaceful settlement in England. The merchant towns—London above all—became the seats of

Growth of London and other merchant towns.

a large foreign population, chiefly from Normandy and the other French-speaking lands. The commerce both of London and York with the German and Flemish lands still went on and increased in activity.[2] But the natural kinsfolk of Englishmen had not the same influence on the English merchant towns as the peaceful kinsfolk of the

The Hanseatic merchants.

Conqueror. The German Hansa of London flourished, but it flourished as a foreign settlement; the Norman settlers in the city became a large and important element among

Norman settlers in London.

the civic inhabitants. London contained, not only Norman merchants, not only Norman lords holding franchises within the city walls, but Norman settlers, as it would seem, with small independent fortunes and of a peaceful turn of mind. In Gilbert Becket we see the type of the Norman citizen, neither merchant nor feudal lord.[3]

[1] See vol. i. p. 309.

[2] See Appendix GG.

[3] So William Fitz-Stephen (Giles, i. 183) distinctly affirms. The parents of Thomas were "cives Londoniæ mediastini, neque fœnerantes, neque officiose negotiantes, sed de reditibus suis honorifice viventes." But the anonymous Lambeth writer (Giles, ii. 73) calls Gilbert Becket "in commerciorum exercitio vir industrius." He speaks of the number of citizens

There must have been many others of his class, chiefly no doubt in London, but to some extent in other cities also. CH. XXIV.

The effect of the Norman Conquest in bringing about a closer and busier intercourse between England and other European lands showed itself in another way besides the settlement in England of whole classes of men, like the foreign land-owners and the foreign citizens. England was thrown open to individual settlers of every class, and we are bound to say that foreign lands were in return thrown open to Englishmen. Among the clerical and learned classes, two classes almost, but not quite, the same, the boundaries of kingdoms and nations were almost forgotten from one end of Western Europe to another. Clerks and scholars freely passed from the dominions of one prince to those of another, sojourning, receiving preferment, keeping up correspondence of various kinds both in their own and in foreign lands. Into this international society England was now freely admitted. To some extent this was merely a revival of an earlier state of things. In the days of the Frankish Kings and Emperors, English missionaries and English scholars had been freely welcomed on the continent, and continental scholars had been freely welcomed in England. But the days of Wilfrith and Ealhwine, of Grimbald and John the Old-Saxon, had passed away. Their only trace for a long time before the Conquest was that promotion of German, and especially Lotharingian, churchmen which began under Cnut, and went on when Godwine and Harold acted in the name of Eadward.[1] But now, not only were English offices, temporal and spiritual, bestowed on foreigners as a part of the immediate process of Conquest, but men

Cosmopolitan character of the learned class of the time.

Older intercourse of English and continental scholars.

Promotion of foreigners in England,

of Rouen and Caen who came to London and settled in London for purposes of trade.

[1] See vol. ii. pp. 79-81.

CH. XXIV. of all nations, chiefly of course of the French-speaking nations, pressed into England. Nor did they always come merely to seek preferment for themselves; some came on errands which were really to the advantage of the land which they came to. We can hardly judge of that free opening of preferment in one land to natives of another which made Maurilius at home in Normandy, which made Lanfranc and Anselm at home both in Normandy and in England, and which, if it found room for strangers in England, also found room for Englishmen in strange lands. It was in this age that, for once in the history of the Roman see, the chair of Peter was filled by an Englishman, an Englishman certainly by birth, and, by the way in which he is spoken of, most likely also an Englishman by blood.[1] While Nicolas Breakspear of Saint Alban's was winning his way to the papal throne, other Englishmen were holding high offices in the Norman kingdom of Sicily.[2] We are again met by the standing difficulty whether the Englishmen so spoken of were Englishmen by blood as well as by birth. But, even if they were the sons of Norman settlers, they were looked on as Englishmen in foreign lands, and they thus give us another witness to the fusion of the two races. It is yet more striking when we find one who can hardly fail to have been an Englishman by blood as well as by birth, seated on a Norman episcopal throne, on the throne of that very Geoffrey of Mowbray who had had so great a share in the spoils of England. Algarius, Bishop of Coutances, who sat for sixteen years in the

and of Englishmen abroad.

Hadrian the Fourth the one English Pope. 1154–1159.

Algarius [Ælfgar?] Bishop of Coutances. 1135–1151.

[1] In the Lives of the Popes (Muratori, iii. 440, 441), Nicolas, afterwards Hadrian, is spoken of as "natione Anglicus de castro Sancti Albani," and it is added that he was "pauper clericus, sive clericus pauperculus." He was "in Anglicâ et Latinâ linguâ peritus;" so at least it stands in Muratori; Lingard quoting from Baronius, instead of "Anglicâ" reads "*Græcâ*." See further references to the English birth of Nicolas in William of Newburgh, ii. 6; John of Salisbury, Polycraticus, viii. 23 (vol. iv. p. 367, Giles); Matthew Paris, Wats, 92; and Gest. Abb. i. 112.

[2] See Stubbs, Constitutional History, i. 350.

days of Stephen, can hardly have been anything but an English Ælfgar.[1] The constant use of the Latin language, strengthened by the wide range of the French language, spoken as it now was from Dunfermline to Jerusalem, had made men of learning almost forget their personal nationality, and feel themselves members of one great commonwealth spread over all Western Europe. This was, as far as we are concerned, one result of the Norman Conquest. It is a more amiable form of the process which had once quartered on us Thurstan of Glastonbury and Paul of Saint Alban's, a process which we see has another side, when our John of Salisbury goes to fill the chair of Fulbert and Ivo at Chartres. It is to the strangers who found their way into England, when the barriers of blood and language were thus broken down, that we owe, as we have seen, the first beginnings of our Universities, when the Breton Robert revived the study of divinity, and the Italian Vacarius brought in the study of the civil law.[2] And the bright side of the new state of things is shown in all its fulness when our Angevin King sends beyond the bounds both of his kingdom and his duchies, beyond the dominions of his over-lord and his fellow vassals, to seek in the Imperial land between the Rhone and the Alps[3] for the model of every gift which could adorn the Christian pastor in the person of Hugh of Grenoble, of Witham, and of Lincoln.

Use of the Latin and French languages.

John of Salisbury, Bishop of Chartres.

Foreign teachers in Universities.

Saint Hugh of Burgundy, Bishop of Lincoln. 1186–1200.

In all these ways we see how the Norman Conquest, partly by its immediate, partly by its more distant effects,

[1] See Chronica Normanniæ, Duchesne, 984 D; Bessin, Concilia, 531.

[2] See above, p. 321.

[3] See the greater and lesser Life of Saint Hugh edited by Mr. Dimock. The poet of the metrical Life takes care, in his opening verses, to let us know from which of all the Burgundies his hero came;

"Imperialis ubi Burgundia surgit in Alpes
Et condescendit Rhodano, convallia vernant."

CH. XXIV. gave England an altogether new place in the face of other nations. We have now to go on to see the still more important results which it had upon the constitution, the laws, and the social state of Englishmen in their own land.

§ 2. *The Effects of the Norman Conquest on the Kingly Power.*

The twofold character of the Norman Conquest, as a foreign invasion clothed under legal forms, is naturally brought out in the strongest colours in the changes to which it led in the position of the King and the nature of his government. I have said often already, but it can hardly be said too often, that King William, the heir of Eadward, the chosen of the English Witan, the consecrated of the Primate Ealdred, the King to whom all the great men of England swore oaths and became his men, made no formal claim to any position but that which had been held by the Kings who were before him. Nor in truth had he any temptation to wish for any other position. The lawful powers of an English King were such as, in the hands of such a King as William, might make him more powerful than any ruler within the bounds of Western Christendom. The power of an English King was indeed limited by the law, and it could be exercised only in accordance with the will of the people. But it had always been found that a King who was worthy to reign, a King who was either loved or feared, much more a King who could call forth that mixed feeling of love and fear which our forefathers spoke of as awe,[1] could always govern as well as reign. Under such a King the will of the people simply confirmed the will of the King. An English

William steps into the position of the elder Kings.

Powers of the Old-English Kings.

Their practical authority.

[1] See above, p. 153, for this phrase as applied both to Henry the First and Henry the Second.

King was not like a Byzantine despot; it never was held in England that the will of the prince had in itself the force of law. But the will of a prince who was wise enough to see that his own interests and the interests of his people were the same, seldom failed to become law by the formal confirmation of his people.[1] His power lay in the fact that he was still the true *Cyning*, at once the choice and the leader of the nation; that he still, always in theory, sometimes in practice, gathered his whole people around him to debate on the common weal. Here lay his strength. His powers were limited by law; but, within the lawful range of his powers, he could demand obedience in every corner of his kingdom. He had not sunk from a real King of the nation into a nominal over-lord of a divided realm. His Earls were still magistrates sent by him, magistrates who met their sovereign and their fellows in the great Gemóts of the kingdom; they were not princes, each sovereign within his own estates, and who never met together in a national assembly of the whole land. The powers which passed to William by his election and coronation would have been ill exchanged for a nominal rule over the wider extent of the realm which paid the King of Paris a nominal homage, or even for the loftier majesty which surrounded the Lord of the World himself. William had every reason to be content with the position of the Kings who had gone before him, if only the circumstances in which he found himself would allow him to abide in their position. But the circumstances in which he found himself forced another course upon him. He could not abide in the position of Ælfred, or even in the position of Cnut. He was driven to be either more or less than Ælfred and Cnut had been. And, with this choice before him, he chose to be more rather than to be less. Unless he was ready to wield the rod which Ealdred

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Its popular groundwork.

The English King still a King, and not a mere lord.

Comparison with the Emperor and the King of the French.

Effects of William's position in strengthening the kingly power.

[1] See vol. i. pp. 53, 125.

CH. XXIV. had placed in his hands with a strength with which no earlier King had wielded it, his only choice was to sink from the position of Eadgar or Cnut into that of his own over-lord at Paris. William made up his mind to be a King, and not a mere feudal lord. In so doing, he drew to his Crown a power second only to that of the despots of Byzantium and Cordova; but, in so doing, he preserved the ancient laws and liberties of England and handed them on as an heritage for ever.

Misunderstanding of history by lawyers.

The Gemót of 1086 mistaken for the introduction of the "Feudal System."

William's legislation anti-feudal.

It shows how utterly the history of law has been misunderstood by those whose special business it is to understand it, when we see lawyer after lawyer telling the world that William the Conqueror introduced the "Feudal System" into England. Ingenious writers have looked on that great Gemót of Salisbury which was held in the year before William's death as the actual moment when this amazing revolution took place.[1] That is to say, they have picked out, as the act by which a Feudal System was introduced in England, the very act by which William's far-seeing wisdom took care that no Feudal System ever should grow up in England.[2] So far as any Feudal System ever existed anywhere, its principle was that every tenant-in-chief of the Crown should make himself as nearly a sovereign prince as he could, that his under-tenants should owe allegiance and obedience to their immediate lord only, and not to the royal or Imperial head. The principle of William's

[1] The notions of lawyers on these matters may be seen in the talk of Blackstone, bk. ii. c. 4 (vol. ii. p. 48, Ed. 1809), which is repeated by Stephen (i. 174) in the year 1853, and by Kerr (ii. 49) in the year 1857. We find, among other curious things, that "the military constitution of the Saxons being then laid aside and no other introduced in its stead, the kingdom was wholly defenceless." Presently, "The principal landowners submitted their lands to the yoke of military tenures," and what not. One is tempted to refer to Saint Luke, xi. 52.

[2] See vol. iv. p. 695.

legislation was that every man throughout the realm of England should plight his allegiance to his lord the King, and should pay obedience to the laws which were decreed by his lord the King and his Witan. Instead of William introducing a Feudal System into England, instead of consenting to sink from the national King of the whole nation into the personal lord of a few men in the nation, he stopped for ever any tendencies—whether tendencies at work before his coming or tendencies brought in by the circumstances of his coming—which could lower the King of the English to the level of the feudal Kings of the mainland. The tendency of feudalism is to a divided land, with a weak central government, or no central government at all. Every such tendency William checked, while he strengthened every tendency which could help him in establishing a strong central government over an united realm. To that end he preserved the ancient laws and institutions, laws and institutions which he had no temptation to sweep away, because they could be easily turned into the best instruments for compassing his object. Under the forms of lawful succession, he reigned as a conqueror; under the forms of free institutions, he reigned as a despot. In truth the acts of the despot were needed to undo the acts of the conqueror. As conqueror, he brought us to the brink of feudal anarchy; as despot, he saved us from passing the brink. Of any Feudal System, looked on as a form of government, or rather of no-government, William, instead of being the introducer, was the mightiest and most successful enemy.

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He makes the old institutions serve his own purpose.

But the words *feudal* and *feudalism* have, in practice at least, two distinct meanings. The so-called Feudal System, that is, the break up of all national unity in a kingdom, undoubtedly grew out of the feudal tenure of land. But the feudal tenure of land does not in itself imply any weakness on the part of the central power. Even if we

Different meanings of the word "Feudalism."

Feudal tenure of land.

CH. XXIV. look merely to the tenure of land, it would be quite untrue to say that William introduced feudalism into England. For, on the one hand, William did not systematically introduce any new kind of tenures; and, on the other hand, tendencies in a feudal direction had been busily at work long before his coming. Here again the Conquest merely hastened and completed changes which had already begun. The essence of a feudal tenure is the holding of land by the grant of a lord, instead of holding it simply as a member of the commonwealth. The holder of a primitive *eðel* held his land of no man; he had no lord; as a member of the commonwealth, he owed to the King or other chief of the commonwealth such obedience as the law prescribed, but the tie was purely political and not personal. But the man who received a grant of land on condition of any service, military or otherwise, stood to his lord in a relation which was not only political but personal. If to this tenure an act of personal commendation was added, the full feudal relation was created.[1] Even the man who received a grant of bookland on such terms as made it practically as much his own as a primitive *eðel*, had still received his land as a grant. He owed at least personal gratitude to the grantor; he was not quite in the same position as the man whose land was no grant from any one, but was simply his share of the land which the tribe, as a tribe, had occupied or conquered. In all these ways, as I have shown at the beginning of this work, things in England, as in other parts of Western Europe, were fast tending in a feudal direction before William came into England. His coming gave those tendencies a greatly increased strength. He and his followers came from lands where feudal ideas had made far swifter advances than in England. To the mass of his followers a feudal tenure,

William hastens tendencies already at work.

Nature of the feudal holding.

The ancient *eðel* contrasted with the *fief*.

Grants of bookland.

Tendencies to feudal notions of land strengthened by William's coming.

[1] See vol. i. p. 98.

a military tenure, must have seemed the natural and universal way of holding land. A primitive *eðel*, even a grant of bookland not charged with any particular services, must have seemed to them something strange and unintelligible. Even to the keen eye of William himself they may well have seemed strange, though assuredly they did not seem unintelligible. And the great facts of William's reign did everything to strengthen the doctrine that land should be held of a lord. We have seen that, from the beginning, he dealt with all lay estates in England as land forfeited to the Crown, which the King granted out afresh, whether the grant was to the former owner or to some new grantee. The foreign soldier who received his reward in a grant of English land held that land, as a plain matter of fact and without any legal subtleties, as a personal gift from King William. The Englishman who bought back his land,[1] or received it back again as alms,[2] did not hold it as a gift in exactly the same sense as his Norman neighbour, but it was a royal grant by something more than a mere legal fiction. His land had been, if only for a moment, in the King's hands to be dealt with as the King chose; and the King had chosen to give it back to him, rather than to keep it himself or to give it to anybody else. The lawyers' doctrine that all land must be a grant from the Crown is thus accidentally an historical truth. It became true by virtue of a single act of William's reign, which no law-book records, and which most likely no lawyer ever thought of. In this way William became systematically to every landowner in his realm, what earlier Kings had incidentally been to many of them, a personal grantor as well as a political chief. There was no longer such a thing as an *eðel;* all was bookland, bookland too held only by the actual gift of the reigning King or by his confirmation of

CH. XXIV.

Feudal notions of the Normans.

William the grantor of all land.

Accidental truth of the lawyers' theory about land being a grant from the Crown.

All land becomes bookland under William.

[1] See above, p. 25, and vol. iv. p. 732.

[2] See above, p. 31.

CH. XXIV. some earlier gift. And the act of personal homage, the commendation of a man to his lord, an act which, though not implied in the grant of land, no doubt always accompanied it, brought every grantee into a strictly feudal relation to his sovereign. The King's Thegns became the King's tenants-in-chief. They had been his tenants-in-chief before; they remained his Thegns still; but now the one name gradually displaced the other, not merely because the one name was English and the other name French, but because the leading ideas conveyed by the two names now changed places. From henceforth the idea of personal commendation implied in the word Thegn became of less importance than the idea of the tenure of land implied in the name tenant-in-chief. The effect of William's confiscations and grants was to bring the tenure of land, the holding of land as a grant from a lord, into a prominence which it had never held before, to make it in short the chief element in the polity of the kingdom. In this way the same reign which most effectually hindered the growth of feudalism in its political aspect, most effectually strengthened feudalism as a form of the tenure of land. And, in so doing, it strengthened thereby all those peculiar social relations and ideas which gather round such a tenure. As the old Eorls died out before the Thegns,[1] so the Thegns died out before the new names of knight and gentleman.

The King's Thegn becomes a tenant-in-chief.

William's reign checks political feudalism, and strengthens the feudal tenure of land.

The circumstances of the reign of William thus gave a great impulse to one aspect of feudal ideas; but it does not appear that he made any direct innovations in the law with regard to the tenure of land. Nothing is more certain than that, from one end of Domesday to the other, there is not a trace of military tenures as they were after-

No trace of military tenures in Domesday.

[1] See vol. i. p. 94; Comparative Politics, 257, 263.

wards understood.[1] As I have had to point out over and over again, the grantee of William, whether the old owner or a new one, held his land as it had been held in the days of King Eadward. The value of the land might have risen or fallen, and its taxation might have risen or fallen in proportion; but the Survey gives no sign that any land had been made subject to any burthens of a different kind from those which it had borne in earlier times. That the word *feudum* or *fief* is constantly used proves nothing; it accurately described the holding of all land since the general redemption, as it would have accurately described the holding of much land before William's coming. Nor is anything proved by the constant occurrence, not indeed in name but in fact, of that which was afterwards known as *subinfeudation*. It was in the nature of things that the grantee of a great estate should grant out parts of it again to smaller owners, who would, whatever was their tenure, become his men. In every page of Domesday we hear of the "men" of this or that great land-owner, and the practice of commendation is referred to almost as commonly. Still we hear of nothing in Domesday which can be called knight-service or military tenure in the later sense. The old obligations remain. The primæval duty of military service, due, not to a lord as a lord, but to the state and to the King as its head, went on under King William as it had gone on under King Eadward. It may be looked on as a step in the direction of a military tenure, but it certainly is not military tenure in its full form, when we find certain men or their estates charged with the duty of providing armed men for the defence of the castle of Windsor.[2] Such a tenure as this is rather the old obligation of the *fyrd* thrown into a special shape, something like those special forms of military service with which various

CH. XXIV.

Use of the word *feudum*.

Phrase of "homines."

The *fyrd* goes on.

[1] See Appendix HH.

[2] Domesday, 151 *b*. See vol. iv. p. 341, and Appendix HH.

CH. XXIV. boroughs were charged in the days of Eadward.[1] So we may trace the approaches to military tenure in other quarters, and we see the first systematic approach to them in a quarter where at the first glance they seem specially out of place, though a moment's thought will show that it is the very quarter where they were most likely to arise.

Military tenants of ecclesiastical bodies.

The first beginnings of strictly military tenure are to be seen on the lands of the Church. Archbishop Lanfranc and Abbot Adelelm granted out their lands to knights, and of Lanfranc's grants we both find a record in Domesday and get some details from other quarters.[2]

Tenure of the Archbishop's knights.

The lands of the archbishoprick and of the metropolitan convent had hitherto been held by tenants paying rent in money or kind; now certain parts of them were granted to knights, who undertook to discharge the military service due from the whole of the episcopal and conventual estates. Such an arrangement was in itself of the nature of a particular bargain; the obligations of the *fyrd* were transferred from a class of men to whom they would be specially irksome to another class who were better fitted to discharge them. This is not knight-service in the strictest sense; but it is something which would in a short time grow into it.

There is no ground then for thinking that William directly or systematically introduced any new kind of tenure into the holding of English lands. There is nothing to suggest any such belief, either in the Chronicles of his reign, in the Survey which is his greatest monument, in the genuine, or even in the spurious, remains of his legislation. The code of laws which bears William's name, but which is assuredly none of his enacting, is, in all but a very

The alleged Laws of William.

[1] See vol. iv. pp. 196, 199, 210.

[2] On Adelelm, see vol. iv. p. 478; on Lanfranc, see Stubbs, Constitutional History, i. 262. In Domesday, after the lands of the Archbishop, follows in p. 4, "Terra militum ejus."

few points, a mere confirmation of the Old-English laws. And the few points of innovation have nothing to do with feudal tenures. But, when we come to the reign next but one, we are met by a document which shows us that, within thirteen years after the Conqueror's death, not only the military tenures, but the worst abuses of the military tenures, were in full force in England. The great charter of Henry the First, the groundwork of the greater charter of John, and thereby the groundwork of all later English legislation, is filled with promises to abolish the very same class of abuses which were at last swept away by the famous statute of Charles the Second.[1] In that charter the military tenures are taken for granted. What is provided against is their being perverted, as they had been in the days of Rufus, into engines of oppression. It is assumed that the King lays certain feudal burthens on his tenants-in-chief; it is assumed that these tenants-in-chief lay burthens of the same kind on their under-tenants. The object of the charter is not to abolish the rights of either the higher or the lower lord, but only to insure that those rights should be used with some degree of moderation. The lord's right of marriage, of wardship, of relief, the rights under which Englishmen groaned down to the days of our last civil war, are all taken for granted; the yoke is simply to be lightened in practice. When a tenant-in-chief dies, King Henry will not force his heir to redeem his land as had been done in the days of his brother; the heir is to be allowed to relieve by a just and lawful relief.[2] The words are vague; but they point to a difference between payments extorted at the King's arbitrary will and payments to be settled by some received form of custom or arbitration. Moreover there is no reference, as

CH. XXIV.

Witness of the charter of Henry the First.

The military tenures and their abuses taken for granted.

The lord's right of marriage &c. assumed.

Reliefs.

[1] See the Preamble to the statute of 12 Car. II. (that is, in sober reckoning, his first year, 1660), Revised Statutes, i. 725.

[2] On reliefs, see Appendix II.

CH. XXIV. there is in some other parts of the charter, to any earlier and better time, either to the days of the Conqueror or to the days of the Confessor. The relief, in short, as a feudal due, is taken for granted; but it is not spoken of as an ancient custom. It appears as a right which had grown up in the days of Rufus, and which Henry, though not willing wholly to give it up, was willing to make less irksome. The same is the case with the still more vexatious feudal rights of wardship and marriage. Of the feudal right of marriage we have already seen a glimmering in the days of the Conqueror. It is noted that Roger of Hereford gave his sister to Ralph of Wader without the King's leave.[1] It is plain then that, in the Conqueror's time, the King at least expected to be consulted about the marriages of the great men of his kingdom. Under Rufus this claim must have grown into a defined and most oppressive right, a right of which Englishmen complained ages afterwards, the right of the King to constrain his tenants-in-chief, their daughters and widows, to marry against their will, or to pay money for leave to marry as they wished. The charter of Henry promises the abolition of all such oppressive practices; but it asserts the right of the King to be consulted about such matters, and his right to refuse his consent in certain specified cases. If any of his tenants wishes to marry his daughter or other kinswoman, he is, according to a Domesday phrase,[2] to speak with the King. The King claims the right of forbidding the marriage, if the proposed bridegroom be the King's enemy; otherwise the father or uncle may marry his daughter or niece to whom he will, and he is not to be made to pay anything for leave to do so. The exception in the case of a proposed marriage with the King's enemy[3] most likely meets the

The relief an innovation.

Marriage.

Marriage with the King's enemy forbidden.

[1] See vol. iv. p. 574.

[2] See Appendix I.

[3] Stubbs, Select Charters, 97. "Si quis baronum vel aliorum hominum meorum filiam suam nuptum tradere voluerit sive sororem sive neptim

cases which we have seen in the time of the Conqueror. CH. XXIV.
Roger of Hereford, whom Lanfranc had so often reproved for his contemplated treasons, was undoubtedly the King's enemy, and it was doubtless on this ground that William forbad the marriage of his sister with Ralph of Wader. The same reasons which would lead a King to forbid one of his chief nobles to give his daughter or sister in marriage to a suspected traitor, would also lead him to forbid the marriage of such a noble with the daughter or sister of a suspected traitor. But we may believe that an interference which, under the Conqueror, had simply been prompted by reasons of state, had, under Rufus, grown into an established means of extorting money. Henry gives up the oppressive part of his brother's practice, and simply claims to do, as a matter of legal right, what his father had done as a matter of state policy. The charter goes on to provide for the other cases of wardship and marriage. The King claims the right of giving the heiress in marriage; but he will give her by the advice of his barons.[1] This is meant to shut out the practice, afterwards so common, of using the marriage of heiresses as a means for enriching royal favourites, or even of selling their marriages to the highest bidder.[2] The childless widow is to have her dowry and right of marriage; and the King will not give her to a husband except according to her own free will.[3] The like privilege is promised to

Case of Ralph and Emma.

Right of marriage established under Rufus.

Mitigated by Henry.

Widows.

sive cognatam, mecum inde loquatur; sed neque ego aliquid de suo pro hac licentia accipiam neque defendam ei quin eam det, excepto si eam vellet jungere inimico meo."

[1] Stubbs, Select Charters, 97. "Et si mortuo barone sive alio homine meo filia hæres remanserit, illam dabo consilio baronum meorum cum terra sua."

[2] See a crowd of cases where money is paid to avoid this kind of treatment in Madox, History of the Exchequer, 320, et seqq.

[3] Stubbs, Select Charters, 97. "Si mortuo viro uxor ejus remanserit et sine liberis fuerit, dotem suam et maritationem habebit, et eam non dabo marito nisi secundum velle suum."

CH. XXIV. Wardship.

the widow who is left with children, with the provision that she has lived chastely in her widowhood.[1] The guardian—the *tutor* in Scottish phrase—of the orphans and their land is to be their mother or some kinsman fit for the trust.[2] Henry next goes on to decree that his tenants-in-chief shall follow his example, that they shall do as they have been done by, that they shall grant to their tenants the same measure of relief which he grants to themselves.[3] We here get another witness to the way in which the system had already become firmly established. The same oppressive rights which the King had taken on himself to exercise towards his tenants-in-chief, they had themselves begun to exercise towards their under-tenants. Henry's charter promises relief to both classes. Its promises and its decrees strike at the worst evils of the military tenures as they existed in England for ages afterwards; they are an instance of enlightened and beneficent legislation, which was hindered, either by lack of power or lack of will, from being fully or lastingly carried into effect. But they are none the less a witness, telling us that those same points in the military tenures which were felt as grievances in after times were felt as grievances when the military tenures were themselves something new. And they are none the less a witness to the fact that the military tenures had been fully established and wrought into a systematic shape before the accession of Henry. There is no surer witness to the firm establishment of an institution than that it is thought possible to reform its abuses without abolishing the institution itself. But we

The abuses never fully taken away.

Systematic establishment of the tenures under William Rufus.

[1] Stubbs, Select Charters, 97. "Si vero uxor cum liberis remanserit, dotem quidem et maritationem habebit, dum corpus suum legitime servaverit, et eam non dabo nisi secundum velle suum."

[2] Ib. "Et terræ et liberorum custos erit sive uxor sive alius propinquorum qui justius esse debeat."

[3] Ib. "Et præcipio quod barones mei similiter se contineant erga filios et filias vel uxores hominum suorum."

have seen that in the days of the Conqueror there was no such elaborate system of tenures, carrying with it such well-defined consequences, as appears in the state of things which the charter of Henry was meant to reform. The inference is obvious. The system of military tenures, and the oppressive consequences which were held to flow from them, were a work of the days of William Rufus. CH. XXIV.

The system the work of Randolf Flambard.

When we have got thus far, we can hardly fail to follow the lead of the greatest scholar of our times in marking the creation of this new and oppressive system, at all events the putting of it into a legal and formal shape, as the work of a single well-known man.[1] We can feel little doubt in saying that the man who organized the system of feudal oppression was that same Randolf Flambard whom we have met with as the author of so much evil, and whom a contemporary writer does not scruple to speak of as the dregs of wickedness.[2] The argument seems complete. Flambard is distinctly charged with being the author of certain new and evil customs with regard to spiritual holdings;[3] it follows, almost as a matter of course, that he was the author of the exactly analogous and equally oppressive changes which were brought in at the same time with regard to lay holdings.

If then there was any time when "the Feudal System" could be said to be introduced into England, it was assuredly, not in the days of William the Conqueror, but in the days of William the Red. It would be more accurate to say that, all that we are really concerned with, that is, not an imaginary "Feudal System," but a system of feudal land-tenures, was not introduced into England at all, but was devised on English ground by the malignant genius of

[1] See Stubbs, Constitutional History, i. 298.

[2] See above, p. 168.

[3] See the passages quoted by Stubbs, Const. Hist. i. 299.

CH. XXIV. the minister of Rufus. Tendencies which had been at work before the Conquest, and to which the Conquest gave increased strength, were by him pushed to their logical results, and were worked into an harmonious system of oppression. Flambard evidently had the spirit of the lawyer in all its fulness. Whatever we say of his premisses, his conclusions follow from them with a sequence which cannot be gainsayed. Let it be once established that land is held as a fief from the Crown on condition of yielding certain services to the Crown, and the whole of the feudal incidents follow naturally. In the new way of looking at things which lies at the root of the whole change, the King is no longer merely the head of the commonwealth, acting on behalf of the commonwealth. He has become the personal landlord, with certain personal rights over his tenants, of which it is his personal interest to make the most in every way. Military service is due from the fief, whether its holder be lay or spiritual. A time may come when, from any cause, there is no holder of the fief capable of rendering that service. But the lord cannot thereby lose his rights; the fief must therefore pass back into his hands, to be disposed of at his pleasure, till there is a successor able to yield the service which is due. A tenant dies, leaving an heir incapable of yielding the accustomed service, a daughter or a minor son. The lord cannot lose his accustomed dues; the fief cannot be allowed to pass to a new owner, except according to the lord's will. While the male heir is under age, the land naturally reverts to the lord, who, if he chooses, may keep the temporary possession in his own hands, or may grant or sell it to whom he pleases. The female heir cannot be allowed, by a free choice of a husband, to transfer the fief to a tenant of whom the lord may not approve. Her land and herself must therefore be in the lord's power to dispose of as he will. He may, if he pleases, make a profit of his right,

Legal spirit of Flambard.

His logical deductions from his premisses.

The King becomes a landlord.

Origin of wardship.

Of marriage.

either by taking money from the suitor of the heiress, or by taking it from the heiress herself, as the price of a licence to dispose of herself and her lands as she pleases. So, when a bishoprick or abbey falls vacant, a process of exactly the same kind takes place. According to the old conception of kingship, a bishoprick or abbey was a great office in the commonwealth, which the King, as head of the commonwealth, bestowed by the advice of his wise men. According to the new conception of kingship, such a great spiritual preferment is a fief in the King's gift, charged with services due to the King as a personal lord. When there is no one to discharge such services, that is in the time between the death of one prelate and the appointment of another, the possessions of the benefice go back into the hands of the lord, to be dealt with at his pleasure during the temporary occupation. And, as the appointment of the new prelate rests with the King, the King can make this temporary occupation last as long as he thinks good. The rights of wardship and marriage in the case of lay fees, the right to the possession of a vacant benefice in the case of ecclesiastical fees, all hang together. All are deductions from a single principle, and we can hardly doubt that he who is known to have invented one of them was also the inventor of the others. In the same spirit, the *heriot* of Old-English law was changed into the later relief.[1] The *heriot* was a payment due from the man to his lord; but it did not imply any break in the hereditary ownership of the estate. Bookland, however it was burthened, passed as freely from a man to his heir as an ancient *eðel* did. It might be forfeited to the state by a process of law; it could not revert to a personal lord. In the new theory of tenure, though land might be granted to a man and his heirs, though the right of the heir to succeed was not disputed, yet it was held that he could not actually succeed till

CH. XXIV.

Their money profits.

Analogy of vacant ecclesiastical benefices.

Their revenues fall to the King.

The *heriot* changed into the *relief*.

[1] See Appendix II.

CH. XXIV. he had put himself into a direct personal relation towards the lord of whom the fief was held. The heir was like a King-elect or a Bishop-elect; he had the sole right to be put into possession; but a certain process was needed to put him into possession. He had to receive his fief at his lord's hands, and to undertake the accompanying obligations to his lord. The new investiture was a favour, which might conceivably be refused or delayed; and the fiscal ingenuity of Flambard found out that the lord might rightfully demand a price for it. In the case of a lay fee, the exaction of such a price was simply oppressive; in the case of an ecclesiastical fee, it was both oppressive and simoniacal.

The sale of ecclesiastical benefices a deduction from feudal doctrines.

In the case of an ecclesiastical fee, Henry promises that he will abstain from turning ecclesiastical property into a source of profit in any way. He will neither take possession of the revenues during the vacancy, nor will he take any price from the incoming prelate. That is to say, the practices introduced by Flambard, logical inferences as they were from the feudal principle, were deemed to be sacrilegious. Henry therefore promised wholly to forego those sources of profit. In the case of lay fees, the ecclesiastical objection did not come in. The rights of relief, of wardship, and of marriage were not given up; they were simply to be made less oppressive in practice. In short, the feudal theory of land-tenure received a more distinct legal establishment through the modifications contained in Henry's charter. As for the promise to abstain wholly from feudal exactions on ecclesiastical property, the whole course of the history shows that this was a promise which both Henry and his successors found it easier to make than to keep. The Red King had laid down the principle that no man could keep all his promises.[1] The promise not to make a profit of ecclesiastical

The promise of the charter not carried out.

[1] Eadmer, Hist. Nov. 14. "Quis est qui cuncta quæ promittit implere possit?"

goods was a promise which most Kings found it convenient to put into the class to which the doctrine of Rufus was to apply. CH. XXIV.

The truth seems to be that the result of the confiscations and grants of the Conqueror, and of the way in which the malignant genius of Flambard worked the principle of those confiscations and grants into a systematic shape, was to adopt and to codify one side of the feudal theory. The minister of Rufus laid hold of that side of the theory which tended to strengthen the royal power, and, above all things, to increase the royal profits. In the new theory the King personally stepped into the place of the commonwealth of which he was the head. The reign of the Conqueror finally changed the ancient *folkland* into *Terra Regis*.[1] The doctrine was established that the King was the supreme landlord, and that all land was held by his grant. And from this doctrine the fiscal skill of Randolf Flambard found out means whereby every transaction which affected the land thus held of the King could be turned to the profit of the King's coffers. Kingship, in short, is losing its ancient character; it is passing from an office into a possession. The kingdom is a great estate, out of which all smaller estates are carved. As landlord, the King asserts his right to various dues which come to him strictly in his character of landlord, and which have nothing to do with his character as chief of the commonwealth. Dues of exactly the same kind are exacted by the King's tenants from those to whom, in their character of landlords, they also have made grants. A network of feudal tenures is thus spread over the whole land. The tenant-in-chief, subject to relief, wardship, and marriage on the part of the Crown, and himself exacting the rights of relief, wardship, and marriage from his own under-tenants, is a very different kind of person, either from the immemorial owner of an

The feudal theory adopted by Flambard so far as it advanced the King's interests.

New theory of kingship.

The King's *rectigal* or dues as landlord.

New position of the tenant-in-chief.

[1] See vol. i. p. 102.

CH. XXIV. ancient *eðel*, or even from the holder of an estate in *book-land* granted by the King with the consent of his Witan, and charged with no burthens except the inevitable three.

Strengthening of the royal power.

But it was only one side of the feudal principle which it suited the policy of either William to strengthen. The new theory of the tenure of land, and the incidents which were held to arise out of that tenure, filled their purses as landlords rather than as political chiefs. And, in their hands, the theory also strengthened their power. For, as long as the new doctrine was applied only to the mere tenure of land, it tended to the strengthening of the royal power. Against its other side, the side which tended to the weakening of the royal power, our Norman Kings carefully guarded. The danger, a danger of which other lands supplied no small store of examples, was lest the grantee of the sovereign should himself become a sovereign. William himself, in his character as Duke of the Normans, best showed, of all men living, how small an amount of real power a nominal lord might keep over his vassal. When the tenant-in-chief granted out lands to be held of him by the same tenure by which he held his lands of the King, he was himself getting dangerously like a King. If it had once been understood that the primary allegiance of the under-tenant was due to his immediate lord, England might have split up like France and the Empire. As the feudal doctrine had a tendency to turn sovereignty into possession, so it had also a tendency to turn mere possession into sovereignty. Against this danger William secured his kingdom by the great act of the Gemót of Salisbury. He had become supreme landlord; but he would not so become supreme landlord as to cease to be supreme governor. All the men of his realm, to whatever other lords they might owe service, should be his men first of all; they should owe to him a duty which came before all other duties. The other acts of his reign look the same way. The sparing bestowal

Danger of the sovereign-tenant becoming sovereign.

This tendency checked by the decree of Salisbury.

Other anti-feudal acts of William.

of the rank of Earl, the way in which the estates of the great tenants-in-chief were scattered through different parts of the country, the constant holding of the ancient assemblies of the kingdom, were all parts of the same policy. England was to be feudalized, so far as it suited the power and profit of the Crown that it should be feudalized. Every application of feudal doctrines which could be turned to the advantage of the Crown was carefully fostered. Every application of feudal doctrines which could be turned against the Crown was as carefully guarded against. Everything in short, whether in the older or the newer theory of kingship, which tended to exalt the King was pressed into the royal service. The Norman King was to be all that his English predecessor had been, and something more. He was to be, like his predecessors, head of the commonwealth of England, supreme in all causes and over all persons within the realm of England. He was to be all this in a far fuller sense, and with a far more distinct exercise of personal authority, than any of his predecessors had been. And to these elder sources of power he was to add new sources of power unknown to the Kings who had gone before him. England was to be, not only his kingdom, but his dominion; its land was to become his land, held of him by men who were his tenants, men to whom he stood in the twofold relation of landlord and of sovereign. And out of the relation of landlord there were to grow, if not under the first William, at least under the second, sources of royal wealth before unheard of. Every death of a lay tenant, every minority, every marriage, every vacancy or appointment to a bishoprick or an abbey, all brought in money to the King, not in his character as chief of the commonwealth, but in his character of personal landlord. Other lands looked with amazement at the sums which went into, and which, when it was needed, came out of, the hoard of the English King. In earlier days men had wondered

CH. XXIV.

One side of feudalism adopted.

Twofold character of the Norman King.

His old and his new powers.

New sources of revenue.

CH. XXIV. at the wealth of England. The wealth of England had now become the wealth of the King who was not only her ruler but her landlord.

The kingly power strengthened by the retention of the old laws.

The kingly power was in this way strengthened by the innovations to which the Conquest gave rise. But it was strengthened fully as much by the conservative side of the Conqueror's policy, by his systematic retention of the old laws and constitution of England. The Norman King had to deal with two classes of subjects, with the English over whom he claimed to rule by legal right, and with the foreign followers whose swords had, in his view of the case, enabled him successfully to assert that legal right.

Relations of the King to the English.

His relations to the Norman nobles.

And the Norman Kings soon found that it was far more on the conquered English than on the conquering Normans that they could safely rest the support of their throne. The men to whom they owed their Crown were too powerful to be neglected. They had to be rewarded and to be flattered, to be placed in the highest posts in the kingdom, and enriched with the greatest estates. But they had none the less to be watched and guarded against; it was the native population only which could really be trusted. Both William Rufus and Henry the First owed their throne to English loyalty, when the Normans, as a body, were arrayed against them. In the first stage of the Conquest, before the Norman settlers had taken firm root in the land, before the policy of Henry had raised up a second class of Norman settlers who were better able to take root in the land,[1] the English looked to the Norman King as their protector against his Norman followers. There was little room for any real attachment between the King and the body of the nation; but they had distinctly a common interest. And the Conqueror and Henry at least, whatever we say of Rufus, had the

Rufus and Henry owed their Crown to the English.

Common interest of the King and the people.

[1] See above, p. 158.

wisdom to see this. They might have a sentimental preference for the race to which they themselves belonged; they might even have a feeling of contempt for the nation which their own race had overthrown; but they saw that their solid interest lay on the side of the English people. They saw that the surest way to maintain their power was to keep up the old framework of the English kingdom with as little change as might be. Change, strictly speaking, there was none; some Norman institutions were set up alongside of some English institutions; and a great part of our later legal history is made up of the way in which these two classes of institutions affected one another. But we cannot say that any English institutions were abolished. The days of King Eadward remained the standard, every departure from which was noticed as a novelty; the law of the land was still the law of King Eadward, with the improvements made by King William. The kingly power thus drew strength from every quarter. Every part of the old system which gave strength to the Crown was kept up, and only so much of the new system was brought in as could be made to serve the same purpose. The military tenures supplied the King with a new kind of army, bound to him as lord and grantor of land. But he in no way gave up his right, as an English King, to summon the older army which followed him as chief of the commonwealth. The English *fyrd* went on alongside of the Norman feudal array, and the King could make use of either or both, as suited his purpose. In his character of feudal lord, he drew a new source of revenue from the profitable incidents of the feudal tenures; but he did not give up the older sources of income which belonged to him as chief of the state. Alongside of reliefs and wardships, the Danegeld was duly levied on every hide of land. The union of the two characters, old and new, native and foreign, gave to the Norman Kings of England a degree of

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Preservation of English law.

The royal power draws strength from all quarters.

The old and the new armies.

The old and the new sources of revenue.

The despotism of the

CH. XXIV.

Norman Kings due to the union of two kinds of power.

power such as no Kings had held before them in our island, such as was held by no Kings of their own day anywhere nearer than the lands of the Greek and the Saracen. The union in one man of the characters of supreme governor and supreme landlord, founded on an ingenious intertwining of the old principles of English constitutional law with the new doctrines of continental feudalism, placed in the hands of the Norman Kings a power all but Imperial. It could not be said that what seemed good to the prince had of itself the force of law; but it was soon found easy to find a legal sanction for whatever seemed good to the prince.

For it was part of the wisdom of our Norman Kings to keep up in their fulness all those parts of our ancient constitution which to less discerning despots might have seemed hindrances to their power, but which they knew how to turn into its instruments. The old Assemblies went on; and, during the reign of the Conqueror at least, they went on in the old places and at the old seasons. Three times in the year, at Winchester, at Westminster, and at Gloucester, did King William wear his Crown and gather around him the great men of his realm, as King Eadward had done before him.[1] Before that Assembly he put forth his great schemes of law and of administration, and asked their assent as Ælfred and the elder Eadward had done.[2] Before the great Survey was ordered, the King had mickle thought and very deep speech with his Witan, with that assembly which, from that deep speech, drew, in the stranger tongue, its later name of *Parliament*. And, on greater occasions still, Assemblies were gathered which needed the open plain of Salisbury to hold them, Assemblies which, however different in spirit, may in mere numbers have been not unlike the Assemblies which voted the restoration of Godwine and the banishment of Norman Robert.

The ancient Assemblies go on.

The King wears his crown as before.

Legislation by the Witan.

Open air assemblies.

[1] See vol. iv. p. 623.

[2] Ib. p. 690.

A less clear-sighted ruler might have shrunk from meeting such a joint assembly of the conquerors and the conquered. William knew that it was such gatherings as these which best proved that he was master of conquerors and conquered alike. In so doing, the despotism of William preserved to us our heritage. The spirit of the Assembly, its practical constitution, the practical extent of its powers, have changed from time to time, and never, we may well believe, was so great a change wrought in so small a time as that which parted off a Gemót under William from a Gemót under Harold. But the continuity of our national Assemblies has never been broken. There has been no time when we have been left without a national Assembly of some kind. This is one of the points which distinguishes the history of England from the history of perhaps every other European kingdom. Everywhere else, the ancient national Assemblies have vanished altogether, or have been restored after a while under forms wholly different from those of earlier days. In England, though the nature of our national Assemblies has greatly changed, it has changed step by step; there has been no pulling down, no rebuilding. That the Witenagemót could change into the great Council, that the great Council could change into the Parliament, without any absolutely new institution ever being set up, is undoubtedly, as I shall try presently to show more at length, a distinct result of the Norman Conquest.

CH. XXIV.

Preservation of old institutions through William's despotism.

Unbroken continuity of English assemblies.

In one of the chief points which touch the position of the King, the change wrought by the Conquest, though sure, was far slower than might have been looked for. The feudal theory which looks on kingship less as an office than as a possession, naturally tends to make the Crown, like any other possession, pass by hereditary descent. If direct heirs fail, it looks with more favour on the ap-

The hereditary principle strengthened by feudal doctrines.

CH. XXIV. pointment of a successor by bequest or adoption, perhaps even by bargain and sale, than on his election by those over whom he is called upon to rule. The old Teutonic kingship, as we have so often shown, was not hereditary, in the sense of passing according to any definite law of succession. The feelings of the old time respected the kingly stock, the stock of gods and heroes; but the kingliness was in the whole kin; one son of Woden was as kingly as another; the nation might call to the duties of actual kingship whichever of the last King's sons or brothers it thought good.[1] The natural tendency of the Norman Conquest, and of the feudal ideas which came in with it, was to change this reverential preference for the kingly stock into a definite rule of hereditary descent, marked out according to a definite law of succession. Such was its final result; but it was a result which was very slow in taking place. All the immediate circumstances of the time were against the carrying out of any regular rule of succession among William's descendants. In no case was the person whom we should now call the heir either the man best fitted for the kingly office or the man who had the best opportunities of taking actual possession of the kingly power. Settlements of the Crown before the vacancy came to nothing in these times, as they had come to nothing in earlier times. The rights of elder birth were set aside by the Conqueror himself, when he made his bequest, if bequest we are to call it, in favour of Rufus. They were equally set aside by the English nation when Robert was a second time passed by in favour of Henry. Had the Ætheling William survived his father, hereditary succession would most likely have been firmly established. But at Henry's death the struggle lay between the obligation of an oath and the right of free election. Neither Stephen nor Matilda could be called the heir according to

Hindrances to the early establishment of a definite law of succession.

Effect of the death of the Ætheling William.

[1] See Comparative Politics, 164, 187.

any known law; the succession of either of them was quite unlike anything that had ever happened before, either in England or in Normandy. Through all these causes, the new theory had not, for the first hundred years after the Conquest, any chance of working out its natural results. At every vacancy of the throne, the circumstances of the moment were unfavourable to the new doctrine of succession, and favourable to the old doctrine of election. Under the Angevins, circumstances became more favourable to hereditary succession, and such succession became, not by law but by prescription, the rule of English kingship. That rule gradually came in through the working of a doctrine which looked on kingship as a private possession; it has at last become law through a conviction that hereditary succession, with all that may be said against it, is yet the least of several evils. But the nation has never given up its right of choosing its sovereign. The King who, according to modern notions, becomes King the moment the breath is out of the body of the last King, is as much King by the will of the people as the King who was no King till he was formally chosen, crowned, and anointed. The ancient King reigned by virtue of an act of the national Assembly. The modern King reigns by virtue of an act of the national Assembly none the less. His one claim to the Crown comes from the terms of an Act of Parliament, an act which, like all other acts, may be repealed by the same authority which decreed it. The Parliament of England has, for some ages, but sparingly exercised its right of personal election. But it has never shrunk from exercising it whenever the circumstances of the time called for such a course.[1] A national Assembly, all the more national, all the more lawful, because no King's writ had summoned it, did once again exercise that great right when it chose

CH. XXIV.

Hereditary succession gradually established under the Angevins.

The right of election never given up.

Parliamentary kingship of modern times.

Election of William the Third.

[1] I have gone more fully into this matter in the Growth of the English Constitution, pp. 40, 147.

CH. XXIV. William the Deliverer to complete the cycle which had begun under William the Conqueror. And, at no moment before or since, has the Parliament of England ever given up its eternal right to regulate the royal succession at its will. If we should ever need a change in the law which rules that succession, it is as easy to change it now as it was in the days of Sigeberht or of Æthelred, of Richard the Second or of Henry the Sixth. Now this power we largely owe, not indeed to the Norman Conquest itself, but to the state of things which immediately followed the Norman Conquest, and which hindered the new theory of kingship from at once bearing its natural fruits. If the Crown of William had passed as easily from father to son as the Crown of Hugh Capet did, kingship might have run the same course in England which it ran in France. The supposed divine right of a single family might have taken such root that it could not have been set aside by any form of law. To uproot it might have needed a revolution such as that which in France has made all stable government of any kind impossible. Directories, Tyrannies, Restorations, Red Republics, and Septennates all come of the unlucky fact that for eight hundred years no successor of Hugh Capet ever lacked a male heir. We have kept our ancient right; we can at any time change the succession of our Kings; we can increase or lessen their powers by the same means by which our fathers first called them and their powers into being. And this power we largely owe to three happy accidents which happened within the time with which we are now dealing. Had Robert, instead of Rufus, been the loyal and favoured son of his father—had he been at Winchester, instead of far beyond the sea, when Rufus fell in the New Forest—had the Ætheling William clung to the mast of the White Ship instead of the butcher of Rouen—had the course of things at any one of those times followed a different path from that which it did follow—the yoke of

The events after the Conquest favourable to parliamentary right.

Comparison with France.

Happy working of incidental causes.

such a kingship as that of France might have pressed upon us till the reign of law had wholly passed away. We might have been held down by the fetters of an arbitrary will, till the foundations of all our institutions were undermined, till the power of preserving by reformation had wholly failed us, and had left nothing in its stead but the power of destruction. CH. XXIV.

General results of the Conquest on English kingship.

The main results then of the Norman Conquest, as affecting the kingship of England, were these. The power of the King was largely increased; his position, and the character of his government, were largely changed; but the change was far more in practice than through any formal enactment. The tendencies in a feudal direction which had been at work before the Conquest were strengthened and hastened by the Conquest. But they were moulded by the hands of men who took care that feudal tendencies should be encouraged so far as they could be turned to the strengthening and enriching of the Crown, that they should be discouraged whenever they could lead to its weakening.

Increase of the royal power.

Its twofold character.

After the coming of William, a King of the English remained all that he was before, and he became something else as well. He kept all his old powers, and he gained some new ones; he kept all his old revenues, and he gained some new ones. He became universal landlord, but in so doing he did not cease to be universal ruler. At once King and lord, he had two strings to his bow at every critical moment; if one character failed him, he had the other to fall back upon. He could command his subjects' obedience by a twofold right; he could call them to his standard by a twofold right; and by a twofold right he could cause their money to flow into that Exchequer which was at once the *fiscus* of the feudal landlord and the *ærarium* of the chief of the commonwealth. The history of the Roman state had shown how the union of all the powers of

Analogy with Rome.

CH. XXIV. the commonwealth in a single magistrate was the practical establishment of a tyranny, how the man who was at once Consul, Tribune, and High Pontiff, Imperator of the Army and Prince of the Senate, was found to be, if not a King, yet more than a King. In the like sort, the union of English and Norman ideas in the persons of the Norman Kings of England, the union of every character, Norman or English, which could tend to increase the power of the sovereign, made our Norman Kings the mightiest rulers of their time. The King-Duke wielded the strength of kingdom and duchy in a way which was not within the power either of his royal lord or of his Imperial ally. In a kingdom where men of different and hostile races still dwelled side by side, he was the master of both, because both had need of him. The conquerors could not stand apart from their military chief, their feudal lord, the grantor from whom they held all their lands. The conquered could not stand without the help of him who, though stranger and often oppressor, was still King of the English, King chosen, crowned, and anointed. The King could, as occasion served, play off Normans against Englishmen, and Englishmen against Normans. Rufus and Henry alike owed their Crown to the loyalty of the English people; how one at least of them requited that loyalty our tale has already told. Still, even in the blackest times, the King was so far the friend of the people that he never was their worst enemy, and was often the enemy of their worst enemies. One tyrant was at least better than many; not only the iron rule of the Lion of Justice, but even the darkest days of oppression under the Red King, were better than the anarchy of Stephen. Under that anarchy, men learned that the system which had been begun under the great William needed a William or a Henry to carry it out. When their rod of rule fell into weaker hands, there was of a truth no King in the

Position of the King towards the two races.

The King the protector of the people.

Effects of the anarchy under Stephen.

land; every man did that which was right in his own eyes. There was no longer a ruler, either to assert his own rights or to defend the rights of his people. Men cried for a King to save them, and a King came indeed, another Henry not less mighty than the first. But under the Angevin King and his successors a change began to work. In the purely Norman time the King had been master alike of Normans and English, because each race needed his help against the other. A King in such a position might well be a despot, when it was the interest of every class of his subjects to magnify his office. But, step by step, old wrongs and old distinctions were forgotten. Normans and English were fused into one people, or rather men of Norman descent born on English soil were in truth born Englishmen. Both races hailed the coming of a King who, as far as his formal pedigree went, was at once Norman and English. But both soon felt the practical working of a dynasty which in truth was neither Norman nor English. There were now no longer two hostile races, each of which hailed the royal despotism as a safeguard against enemies at its side. An united nation was now fast springing up, while the royal power had passed away into a house which was foreign to both the older and the newer elements of that nation. The strong hand of the second Henry could keep together the discordant members of his vast dominion. But, under his son and grandson, the Angevin dynasty stood forth as a foreign dynasty in the face of an united English people. The descendants of the men who fought for William and the descendants of the men who fought for Harold had neither of them any wish to see their lands harried by mercenary Brabançons, or to feel themselves put aside on their native shore for hungry favourites from Provence or Angoulême. The power of the Crown had once been strengthened by the needs of two hostile parts of a divided people; now

CH. XXIV.

Change under the Angevins.

Fusion of the two races.

Union of both races against the Crown.

CH. XXIV. it stood forth as a thing of evil in the eyes of an united people. Of that united people those who sprang from the conquerors of a past day had now become simply the first rank. Under Henry the First a Barons' War would have meant a war of stranger Barons against King and people. Under Henry the Third a Barons' War meant a war which the people, with native Barons in their forefront, waged against a foreign-hearted King. Despotism crumbled away, and not anarchy, but lawful freedom came in its place. And why? Because in the eleventh century, just as in the sixteenth, the forms of law and freedom went on, even when there was least of their substance. The Chronicler complains that, when men spake most of right, they did most of unright. But it was because they still spake of right that right in the end outlived unright. At every stage, whether of oppression or of conflict, the law of England still lived on. The laws of Eadward took a new shape in the charter of Henry. The charter of Henry took a further shape in the greater Charter of John. But at no stage did men ask for new laws; at every stage they knew that the old were better. No man asked for new rights, for new liberties; the ancient laws gave them rights and liberties enough, if only those ancient laws could be obeyed, as men deemed they had been obeyed in some happier time. The happiness of the good old times is a mere dream in every age; but to keep on the laws of the old times, in preserving to reform, in reforming to preserve, is the true life of a free people. This we have done, and that we have the power of doing so is largely due to the circumstances of the Conquest, to the personal wisdom of the Conqueror. Under an unbroken native dynasty, the old rights might have died out step by step, as they did in so many of the kindred lands. Under a conqueror of another mould, they might have been swept from the earth by the sheer violence of strangers. But it was William

The Barons' Wars.

Freedom preserved through despotism.

Continuity of English Law.

Conservative results of the Conquest.

the Great, and no smaller man, with whom England had to deal. He was a Conqueror, but he was no destroyer. He had no thought of sweeping away laws and rights which he knew how to turn into the truest props of his own power. And the laws and rights which he thus preserved lived on to overthrow the despotism which they once had strengthened. The fiery trial which England went through was a fire which did not destroy, but only purified. England came forth once more the England of old. She came forth with her ancient laws formed into shapes better suited to changed times, and with a new body of fellow-workers in those long-estranged kinsmen whom birth on her soil had changed into kinsmen once again. That we could do all this came mainly of our momentary overthrow, and of the greatness of him who overthrew us. If Ælfred and Cnut gave us laws of their own free will, William preserved those laws, perhaps not of his own free will, but he preserved them none the less. Our short affliction worked for us an abiding happiness; if we had not perished for a moment, we might for ever have been undone.

Effects of William's personal character.

§ 3. *The Legislation of the Norman Kings.*

I have had to point out many times in the course of this history that the amount of actual change made in the laws of England during the time of strictly Norman rule comes within a very small compass. Not only would it have been quite contrary to all William's policy and to all his professions to make any violent changes in the laws of his new kingdom, but legislation, as we understand it, did not, in the ideas of those times, fill any prominent place among the duties of a King or of a ruling assembly. Law in those days, like the Greek word which translates it, meant custom. A code of laws meant the putting the existing

Small amount of direct change in the law.

Narrow field of legislation in early times.

CH. XXIV. customs into writing; a new law, as distinguished from a mere ordinance to meet a particular emergency, was a thing which men always shrank from. The popular cry was never for new laws; it was always for the better observance of the old. The professed object of Kings and their Councils was not to enact new laws, but to find out what the old laws were, and to enforce them afresh with new authority.

Sources of popular misconceptions.

The notion that the Norman Conquest at once made some great change in our written law springs from an utter misconception of the nature of that Conquest, combined with a misconception of the nature and authority of certain early monuments of English jurisprudence. The notion that William systematically substituted the law of Normandy for the law of England involves a further misconception, namely that there was any law of Normandy for him to substitute. Normandy beyond doubt had its legal customs like other countries; and it is quite possible that those customs may have been put into the shape of a written code before William came into England. But there is no evidence that this was so. No Norman code earlier than William, no Norman code of the reign of William or his sons, has ever been produced. The feudal jurisprudence which men have deemed that William brought with him from Normandy into England really grew up in both countries side by side, while the two were under the same rulers. The notion that this or that feature of our law was brought over from Normandy is part of the strange belief that nothing English, whether in law or language or anything else, can really be English, but that everything must be "derived" from some foreign source or other. The truth is that, except in some particular cases of which I have already spoken and of which I shall presently speak again, there was no real derivation of English law from Normandy. The administrative

No substitution of Norman for English law.

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system of the two Henries grew up in both countries side by side. There was no real derivation from one country to another; as for any particular changes in detail, it is more likely that each of them first came into use in the greater country, and was then adopted in the smaller.

The administrative system grew up side by side in England and Normandy.

The way in which the law, or rather custom, of Normandy really affected the law of England was of quite another kind. Few or no new institutions were substituted for old ones, but several new institutions were brought in alongside of old ones. We have already traced this out in the case of the royal power. Nothing was abolished, nothing was taken away; but some new sources of authority, influence, and profit were set up alongside of the old ones. As it was with the royal power, so it was with many other things. I have mentioned in a former volume[1] that, according to a crowd of earlier precedents in the case of two nations dwelling in the same land, the Norman settlers in England were for some purposes allowed to keep their own customary law. In the same way, Norman ideas, Norman principles, if not actual Norman institutions, crept in alongside of earlier English ideas, sometimes modifying the English institutions, sometimes merely changing their names. In the long struggle between the two languages, sometimes the foreign, sometimes the native name, has won the day. Sometimes the French or Latin name of a custom or office is no real translation of the English, but is the name of the Norman office which was supposed most nearly to answer to the English one.[2] The *shire* becomes the *county*, two names neither of which has been able wholly to displace the other. Its *Sheriff* is in Latin *vicecomes*; but in this case the foreign name has

Norman customs brought in alongside of English.

Normans keep their own law.

Introduction of Norman names of offices.

[1] See vol. iv. p. 624.

[2] Stubbs, Constitutional History, i. 443.

CH. XXIV. English institutions modified by Norman influences.

taken no root in our tongue.[1] Our institutions, in short, are in no sense of Norman origin, but they bear about them the trace of deep and abiding Norman influences. The laws of England were never abolished to make room for any laws of Normandy; but the laws of England were largely modified, both in form and spirit, by their administration at the hands of men all whose ideas were naturally Norman. The change was silent and gradual. As a rule, it was change of a kind which was not likely to be set down in written ordinances. Of the three reigns with which we have chiefly to deal, the reign which was most fertile in real change is the one of which we have no written ordinances at all. We have real legislation of the Conqueror, and we have real legislation of Henry the First. But no one ever saw a law of William Rufus. Yet we have seen that the reign of William Rufus was the time when the most important novelties were introduced into the tenure of land. But the evil customs devised by Randolf Flambard were not likely to be set down in the form of a code. What the law of Rufus was, we know only negatively, through the law of Henry which professed to sweep it away.

Change mainly gradual and silent.

No laws of Rufus, though his reign was the most fruitful in change.

No abolition of English law under the Conqueror.

The theory which attributes to William a settled purpose to uproot the old law of England is the mere invention of a much later age; it is of a piece with the notion that he tried to root out the English language. Even the legendary account of William's legislation gives no countenance to this notion. It represents William, not as an innovator, but as the codifier of the laws of Eadward. The utmost that the story attributes to him is an unfulfilled purpose to enforce the laws of one part of England

Legendary account of his legislation.

[1] This is illustrated by the fact that *Viscount* came to bear quite another meaning as a degree of peerage. Perhaps the old-fashioned phrase of "Lord Viscount" was meant to distinguish the *Vicecomes* of the peerage from the official *Vicecomes*.

over the whole kingdom.[1] Till the unanimous voice of the nation taught him to do otherwise, he was minded to decree that the law of the *Denalagu*, the law of the Danish kinsfolk of the Normans, should become the law of the Saxon and Anglian shires also. This, we cannot doubt, is a pure fancy; all remembrance of any specially Scandinavian law had as utterly died away from the minds of the Normans of William's day as the remembrance of their old Scandinavian tongue. But, if we cast away this embellishment, and accept the more possible part of the story, William stands out most distinctly, not as one who brings in new laws, but as one who enacts the old ones afresh. He summons men from every shire to say what the laws of Eadward were. In the genuine pieces of William's legislation, in those amendments to the laws of Eadward which are spoken of in the charter of Henry,[2] he nowhere abolishes the old law; he at most sets up something new by the side of it. In one point only does he venture to speak a word against a law which he found in force. This is in the ordinance for removing ecclesiastical causes from the ordinary courts, and establishing separate ecclesiastical courts alongside of them. Here, under the influence of the new ecclesiastical ideas, which were familiar on the continent, but which had as yet made but little way in England, he distinctly ventures to say that the ancient laws were bad.[3] But even here, though he removes a certain class of causes from the jurisdiction of the old courts, he no way innovates on those courts themselves. The new institution is simply set up alongside of the old one. Of his other ordinances, some are mere confirmations of the existing law, possibly with small variations in detail. Such is the ordinance against the slave-trade, where he merely re-enacts what other Kings

William's real legislation.

Separation of the ecclesiastical courts.

Ordinance against the slave-trade.

[1] See Appendix KK.

[2] See above, p. 168, and vol. iv. pp. 324, 623.

[3] See vol. iv. p. 392.

CH. XXIV. had enacted before him.[1] Some of the ordinances are in their own nature temporary. They refer to the immediate state of things in his own day, when the *status* of the native inhabitants of England, of the foreign settlers in Eadward's day, and of his own followers, warlike and peaceful, needed to be fixed.[2] But here again, all that is done is to set up the new by the side of the old. The Frenchman is allowed to keep his own law, whilst the Englishman keeps his. Yet, oddly enough, out of this temporary enactment came a change in our judicial proceedings, the traces of which lingered on within living memory. The custom of deciding causes by wager of battle came in as part of the personal law of the Frenchman, to which no Englishman could be constrained against his will.[3] The Englishman had his choice between the ancient ordeal and the newly introduced wager of battle. But it is plain that the wager of battle became the more popular form of trial of the two. It had in some points a more taking character, and its adoption put the conquered on a level with his conqueror. The English ordeal, condemned by the Church, went out of use, while the wager of battle lived on, surviving in the Statute-book long after it had been forgotten in practice, till it was formally abolished in our own century.

Temporary ordinances.

Ordeal and Wager of Battle.

Among the genuine ordinances of William, the only one in which we can see any distinct innovation springing from William's own personal will is that which altogether forbids the punishment of death.[4] This was a distinct innovation on the law of Cnut, which makes death the punishment both of high and of petty treason, and even of certain breaches of the King's peace.[5] Here again there is in strictness no abolition of ancient law; mutilation was,

Abolition of capital punishment.

[1] See vol. iv. p. 625.
[2] See vol. iv. pp. 326, 624.
[3] See vol. iv. p. 624, and Appendix LL.
[4] See vol. iv. p. 625.
[5] See his Laws, 57, 59, 77; Schmid. pp. 302, 314.

in the ideas of those days, a merciful substitute for death. CH. XXIV.
And this innovation at least did not last beyond William's own lifetime; men, French and English, were freely hanged in the reigns of both his sons.[1] The great ordinance which made all the under-tenants become the men of the King, if new in form, was nothing new in substance. Its object was simply to counteract the tendency of the new state of things, and to keep the King and his people in their ancient relations to one another.[2] The forest-laws of William are not to be found in the shape of any genuine ordinance; their nature has to be made out from later notices and from the rhetorical complaint of the national Chronicler. Here again there must have been distinct innovation; but here too the innovation took the form of bringing in something new by the side of the old. The general laws of the realm were not interfered with; but a special and harsher legislation was set up in certain special districts. Even in this, the worst of all the changes directly wrought at this time, the same general principle may be traced. Something new is brought in, but nothing old is taken away.

Lasts only under William himself.

The statute of Salisbury. 1086.

The forest-laws.

The genuine legislation of these times is confined to the ordinances of William of which we have already spoken, to the general charter of Henry, and to his special charters on particular subjects or to particular places. The collections of laws which bear the names of William and Henry must not be mistaken for codes really issued by the authority of those Kings.[3] It does not therefore follow that they are forgeries in the modern sense. When we remember the true meaning of such phrases as the Law of Eadward or of any other King, that those words did not mean a code of laws enacted by him, but the system of law which had been followed in his time, there was no

The alleged laws of William and Henry.

Not forgeries, but private collections.

[1] See above, pp. 128, 159. [2] See vol. iv. p. 695. [3] See Appendix KK.

CH. XXIV. dishonesty if any man versed in the law chose to put such a system into a tabular form and put the name of the King at the head of it. He might do so, either as a help to the administration of the law as it stood when he wrote, or as a record of the law as it stood at a past time within his memory. Such a collection then, if made during or soon after the time of the King whose name it bears, though it has no kind of legal authority, may be of the highest value as a witness to the state of the law at a given time. It has in truth the same kind of value as any contemporary law-book of any age. When its compiler threw his collection into the shape of formal enactments, he most likely had no notion of deception. He was like a classical or mediæval historian who put into the mouth of any of his actors a speech the matter of which fairly represented what the speaker was likely to say, but the actual wording of which was the historian's own. The codes which bear the names of Eadward, of William, of Henry the First, have been examined by the highest powers of modern scholarship, and a summary of the results of that examination I shall give elsewhere.[1] It is enough to say here that they supply the most speaking witness to the way in which the Old-English law was kept in force under both William and Henry. Doubtless they give only one side of the actual state of things, and that the most favourable side. They show us the theory of the Old-English law which was still legally in force. They do not tell us much of the Norman customs which were growing up by their side; still less do they tell us how the Old-English laws must have changed their spirit in the hands of Norman judges and administrators. Every collection of the kind was doubtless meant to be a witness to the old law of the land, and, as such, a protest against foreign

Witness of the codes to the retention of English law.

[1] See Appendix KK.

innovation. We must therefore allow for a certain degree of colouring. Our witness has an object. He puts his facts in a certain shape; while Domesday gives us a photograph, the compilers of codes give us an artistic picture. But both Domesday and the codes witness to the same truth, that no general abolition of English law followed as an immediate result of the Conquest. Some tendencies which were already at work in a particular direction were strengthened; some other tendencies in another direction were set at work. A few special ordinances called for by the circumstances of the time were put forth, some of them of a temporary, some of a lasting nature. In all these ways the law itself was a good deal modified, and the spirit of its administration was largely changed. But there was no sweeping away of one system to make room for another. During the reigns of the two Williams and of Henry the First the old laws went on, whatever might grow up by the side of them. The law was still the law of King Eadward, with the amendments of King William. Then came the time of anarchy, in which the law of Eadward, the amendments of William, and everything else which bore the shape of law or right, all went to the ground. Room was thus made for the appearance of a real lawgiver, a lawgiver who was no more bent than his predecessors on reckless or systematic abolition, but whose hands were not tied as theirs had been by the unbroken traditions of a past time. By that time too there was no need, as there had been in the first days of the Conquest, to frame separate ordinances for men differing in blood and speech. Henry of Anjou was called to the rule of a land from which the distinction of Norman and Englishman had practically passed away. He could legislate for his whole kingdom in a way in which hardly any King could legislate since the days of Æthelwulf. Under the Angevin dynasty the modern law of England began, a law in

CH. XXIV.

Reigns of William's sons.

Effects of the anarchy.

Legislation of Henry the Second.

Beginning of modern legislation.

CH. XXIV. which the ancient institutions of the land have sometimes been really set aside for foreign novelties, but in which they have more often been simply veiled under new forms and new names. With Henry the Second begins the legislation which has gone on to our own time. That legislation has always been wisest and noblest when it has taken the form of sweeping away foreign novelties and bringing back the old principles of our ancient law. Its greatest triumphs have ever been to cast away the usurpations of foreign Kings and the subtleties of foreign lawyers, and substantially to give us back the old freedom of England, the Laws of Eadward, the Laws of Ælfred, changed in form, but in truth unchanged in substance.[1]

Return to the old laws.

§ 4. *Administration under the Norman Kings.*

Adminis trative and social changes.

The changes which were made under the Norman Kings in the way of direct legislation, the changes which could be announced by proclamations or set down in the form of written statutes, we have thus seen to be few indeed. But the changes of another kind, the gradual but inevitable changes in the working of the system of government, were of the greatest moment, and they affected every detail of administration, from the highest to the lowest. And they no less affected the whole fabric of society and the relations of class to class, from the highest to the lowest. This was the way in which a conquest like William's, a foreign conquest cloked under the forms of native law, was sure to work most thoroughly. And, when both the spirit and the forms of the administration had been thus thoroughly, though silently, changed, the change reacted on formal legislation. We see the legislative results of the Conquest far less in the few ordinances

Effect on later legislation.

[1] See Growth of the English Constitution, p. 126 et seqq.

of the Conqueror himself than in the statutes of his remote descendants. No ordinance can be shown by which military tenures were formally established; but every act which regulates them or takes them for granted, down to the great act which swept them away, is a legislative result of the coming of William. And so with all the other practical changes which the Conquest brought with it; they were established in practice before they showed themselves in the written law. Every detail of administration, central and local, was changed, if not in its form, at least in its spirit. Sometimes a new institution, a new office, grew up by the side of the old one; in any case, the old institution, the old office, was clothed with a character wholly new. In this way our administrative system gradually changed into a mixed system, in which sometimes the old and sometimes the new element got the upper hand. And in this way we may explain a seeming anomaly. We can understand why the forms and titles and phrases of the days when the distinction between Englishman and Norman was forgotten, have so much more Norman a look than the forms and titles and phrases of the days when that distinction was still in full force. The Chroniclers, as long as they go on, still speak the language of earlier times. The King still summons his *Witan* to a *Gemót*. When we again, in the days of Edward the First, get English chronicles in another shape, we hear no more of the *Witan* and their *Gemóts;* we find ourselves in an age of *Councils* and *Parliaments*. This does not show that the age of Edward the First was less English than the age of the Conqueror and Henry the First; it proves in truth the opposite. As long as the two races were divided, so long did two systems of law and administration, each with its own vocabulary, go on side by side. When they were fused into one, sometimes the native and sometimes the foreign nomenclature prevailed. To take the highest case

CH. XXIV.

Later changes the real results of the Conquest.

Struggle of old and new elements.

Outward effects most seen when the distinction of races had passed away.

Instances from nomenclature.

CH. XXIV. of all, the King no longer held a Witenagemót but a Parliament; but he himself still remained a King; he had not been changed into a *Roy*.[1]

Continuity of English Assemblies.

I have already asserted, or rather taken for granted, that, under whatever change of name, under whatever change of form, the continuity of the Old-English national Assemblies went on unbroken through all the changes wrought by the Conquest. A Great Council of Henry the Second undoubtedly differed widely from a Witenagemót of the Confessor, and a Parliament of Edward the First differed yet more widely from a Great Council of Henry the Second. But there is no break between any of the three. The constitution of the Assembly is changed, first in practice, then by direct ordinance; but the Assembly itself is the same. At no time was one kind of assembly formally abolished and another kind of assembly formally put in its stead. Reform bills we have seen without number; a constituent assembly we have never seen.

Constitution of the Witenagemót.

In the first volume of this History I maintained the view that the *Witenagemót*, the *Mycel Gemót*, the ancient national Assembly of England, was in theory an assembly in which every freeman of the realm had a right to attend.

Views of Professor Stubbs.

That view I have seen no reason to change; and the seeming difference on this head between my views and the views of the scholar to whom on these points I am always willing to bow,[2] is, I think, more seeming than real. It must be remembered that we have here to deal with an assembly of whose constitution we have no direct or formal account; we have to put together our notions of it from a

[1] This is true of Southern English, the English of the kingdom of England. In the English of Scotland, the King is by sixteenth-century writers often called *Roy*; but this was more likely through later imitation of French than through any Norman tradition.

[2] See Stubbs, Constitutional History, i. 121, and Appendix MM.

great number of scattered and seemingly contradictory notices. According to one view, the Assembly was in theory open to every freeman, but in practice only a small class habitually attended. According to the other view, it was in theory confined to a small class, but in practice it was ever and anon thrown open to large classes of men besides its usual members. I still hold that the former view is the more consistent with the general history of political assemblies throughout the world;[1] but the practical aspect of the two doctrines is the same. It is not denied on either showing that the Assembly was commonly a comparatively small gathering of the great men of the realm. It is not denied on either showing that the great men of the realm were ever and anon reinforced by the presence of large popular bodies, by whole armies or by the mass of the citizens of great cities.[2] Such a body I conceive the Witenagemót of Eadward to have been. Under ordinary circumstances it would consist of the Bishops, the Abbots, the Earls, the officers of the King's household, of a large number of King's Thegns from the neighbourhood of the place where the Assembly was held, of a smaller number from more distant districts. In ordinary times the nation was willing to let these its natural chiefs act as its representatives. In times of great national excitement, when Eadward was to be chosen, when Godwine was to be inlawed, the nation asserted its dormant right. At such moments, the citizens of London or Winchester, the armies which had refused to draw the sword against each other,[3] if they did not join in the deliberations of Earls and Bishops, at least raised their voices along with theirs. Such was the Assembly in the days of King Eadward; such I believe it to have remained in legal theory in the days of King William.

CH. XXIV.

No practical difference between the two theories.

Working of the ancient Assemblies.

[1] See Comparative Politics, pp. 216–222.

[2] See vol. i. pp. 418, 592; ii. pp. 105, 332.

[3] See vol. ii. p. 327.

CH. XXIV.

No formal description of the constitution of the Assembly either before or after the Conquest.

The notices which we have of the constitution of the Assembly during the Norman reigns are as scattered and as vague as the notices which we have of its constitution in earlier times. But it is plain that the great gatherings which were held three times in the year, when the King had with him "all the rich men over all England, Archbishops and suffragan Bishops, and Abbots and Earls and Thegns and Knights,"[1] must have been meetings that were pretty largely attended. In the great Gemót at Salisbury the gathering of the land-owners who came to become the King's men, whether their number reached sixty thousand or not,[2] must have formed a body rivalling the greatest Assemblies of earlier times. But in the description of this last Assembly we clearly see the beginning of the distinction which was the source of our whole later parliamentary constitution.

Distinction between the Witan and the "land-sittende menn."

Effect of the practice of summons.

The Witan and the great body of the assembled land-owners are now distinguished from each other. It is hardly going too far to see in this expression the mark of a great practical change. When, in any body, great or small, a custom of summoning particular members is once established, a great step has been taken towards the disfranchisement of those members who are not summoned. Something of this kind has happened in the history both of the modern Privy Council and of the chapters of cathedral churches.[3] The distinction between the Witan and the other land-owners may very well point to a distinction between two classes. A line seems to be drawn between those great personages who were personally summoned as a matter of ordinary course, and the lesser men who were summoned only in a body, and who most likely were not summoned at all, unless, as in the Salisbury Gemót, there was some special reason for their attendance. The two classes whom the Chronicler distinguishes in this entry seem to answer to the two

[1] See vol. iv. p. 623. [2] Ib. p. 694.

[3] See History of Federal Government, i. 308.

classes who are distinguished in the fourteenth section of the Great Charter. The Prelates, Earls, and greater Barons are each to be summoned personally; the great mass of the King's tenants-in-chief are to be summoned in a body by the several Sheriffs.[1] William doubtless summoned whom he would, and in the Salisbury Gemót he summoned a larger body than the tenants-in-chief, namely the tenants-in-chief and all those under-tenants who were thought worth summoning. By the time of John the vague practice of earlier times had stiffened into a definite custom. The clause of the Great Charter supposes a state of things in which no man will come unless he is summoned, but in which large classes have a right to be summoned. A qualification for membership of the Assembly has practically been established. As was natural at this time, when feudal notions were creeping in, the qualification took a feudal shape. The right to be summoned was established in the case of the King's tenants-in-chief, but it did not go further. This amounted to a practical disfranchisement of all except the King's tenants-in-chief. There was no need to take away their right by any formal enactment. As soon as the doctrine of the summons was fully established, it would die out of itself. It would doubtless have done so in any case. It would do so all the more surely and all the more speedily, under the circumstances of England in those times. There was nothing to make an attendance in the Assembly attractive to any class of native Englishmen, except the few who contrived to keep great estates or high offices. The crowd which had pressed joyfully to vote for the driving out of the Norman Archbishop Robert would not press with the same zeal when all that was to be done was to become the men of the

Analogy in the Great Charter.

Growth of a qualification for membership of the Assembly.

Practical disfranchisement of all but the King's tenants-in-chief.

No attraction to the ordinary freemen to attend.

[1] Cap. 14 (Stubbs, Select Charters, 290). "Summoneri faciemus archiepiscopos, episcopos, abbates, comites, et majores barones, sigillatim per literas nostras; et præterea faciemus summoneri in generali, per vicecomites et ballivos nostros, omnes illos qui de nobis tenent in capite."

CH. XXIV.

Norman King. The summons would be needful whenever any special reason made their presence needful. In this way, as it seems to me, the old national Assembly changed into a body consisting of two definite classes of men. One class consisted of those whose rank or office entitled them to a personal summons; the other was the whole body of tenants-in-chief who, when summoned, were summoned generally in their several shires. As I have before remarked, we may in this distinction see the germ of Lords and Commons. The Lords are the *pregadi*, the counsellors who are specially summoned. The origin of their order is exactly analogous to that of the senators so called in the Venetian commonwealth.[1] The Witan of the Salisbury Gemót, the great men who had the right of personal summons, became the Peers. Of the peerage the summons is the very essence. It was reserved for a modern House of Lords to trample law and history under foot, by refusing admission to their body to one of the Witan, lawfully summoned by his sovereign, because of the trumpery quibble that his sovereign had not pledged herself to summon his descendants also.[2] The members of the House of Lords are simply those among Englishmen, Earls, Bishops, and some other more modern classes, who have never lost the right of personal attendance, because they have never lost the right to a personal summons. They represent by unbroken succession the Witan of the Gemót of Salisbury and of all the Gemóts before that. The "landsitting men" of Salisbury easily stiffened into the tenants-in-chief of the Great Charter. Their personal attendance was presently exchanged for an attendance through representatives, and we thus come to knights of the shire. But, besides the "landsitting men," there

Origin of Lords and Commons.

The summons the essence of peerage.

Case of Lord Wensleydale.

The Witan continued in the Lords.

The "landsittende menn" continued in the knights of the shire.

[1] See Daru, Histoire de Venise, lib. ii. c. 47.

[2] I refer to the case of Lord Wensleydale's peerage in 1856. See Sir Erskine May's Constitutional History of England, i. 290, 298.

was another element. We have seen in the days of Stephen the citizens of London and Winchester make good their ancient right to a voice in the choosing and deposing of Kings.[1] Presently that right, in itself somewhat vague and precarious, was merged by the act of the great Simon in the general right of the citizens and burgesses of England to appear by their representatives alongside of the Witan and the landsitting men. Yet that right did not wholly die out; the tradition of it lived on to appear in after times, twice in a tumultuous, once in a more regular form. Edward the Fourth and Richard the Third were called to the Crown, no less than Stephen, by the voice of the citizens of London. And in the Assembly which called on William of Orange to take on himself the provisional government of the kingdom, along with the Lords and the members of the former Parliaments, the citizens of London had their place as of old.[2]

CH. XXIV.

Action of the citizens.

Representatives of the citizens and burgesses under Earl Simon.

Survival of the right of personal action in the London citizens.

Edward the Fourth, Richard the Third, William the Third.

It was then without any sudden break, without any formal act of enfranchisement or of disfranchisement, that the old national Assemblies of England, the common heritage of the whole Teutonic race and even of the whole Aryan family, the counterpart of the Achaian *agorê* and of the Roman *comitia*, changed, in the course of a few generations, into the form of a modern Parliament. The change was the natural result of the circumstances of the Norman period and of the influences which were at work during that period. The change seems to be greater than it was, because of the changes in the names both of the Assembly itself and of the members who composed it. It is not to be denied that the changes of name, from the Witenagemót to the Great Council, from the Great Council to the Parliament, really point to practical changes in the constitution of the Assembly. But if changes of language

Gradual change in the character of the Assembly.

Changes of names.

[1] See above, pp. 245, 305.

[2] See Growth of the English Constitution, pp. 102, 201.

CH. XXIV. had not brought with them changes of name, we should perhaps be less inclined than we now are to dwell on the changes which the names certainly express. The change from an English to a Latin, from a Latin to a French name, makes us fancy that there was more of formal change than there really was. It suggests the notion of breaches of continuity which never happened. And, after all, even the change of name is in many cases more apparent than real.

New names often translate old ones.

The new names are often mere translations of the old ones. And this is specially to be seen in the names given to the Assembly itself. The name of Witan indeed dies out; the formal style of the wise men is lost in such vague descriptions as *proceres* and *magnates*. But the ancient title dies out very gradually. It long survives the Conquest, both in its English and its Latin form.[1] The names of the Assembly itself are palpable translations of earlier phrases. The *Magnum Concilium* is simply a translation of the alternative name of the *Mycel Gemót*. The *Parliament*, the *colloquium* of our continental kinsfolk, is simply a translation of the *deep speech* which King William had with his Witan. The *majores natu* by whom Stephen was raised to the Crown simply translate the *Ealdormen* and *Yldestan* of earlier times. The *Thegns* and *Knights* who came together when William wore his crown are simply translated into the *Barons* and *Chevaliers* of the foreign tongue, and in the Barons at least we may see an old Teutonic name under a foreign guise. The Barons of England, a name made dear to us by the great struggle of

[1] That the name Witan goes on in English, as long as we have any records in English, no reader of the Chronicle needs to be told; but the name also goes on in Latin. In Benedict, i. 116, Henry the Second consults "archipræsules et episcopos et comites et *sapientiores* regni sui." Again, in i. 169, he appoints a court officer; "Consilio episcoporum suorum et aliorum quorundam *sapientum virorum* regni sui." Lastly, in i. 207, he settles the number of the judges "per consilium *sapientium* regni sui." Here is the very phrase of Ælfred, "mid minra witena geþeahte." We lose much by having no English Chronicler of this time.

the thirteenth century, are but in truth those *Beornas* to whom Æthelstan, the Lord of Earls, showed himself the giver of bracelets. As our national life lived on, so our national speech and the names of our national institutions lived on also. All that the presence of the stranger did was to clothe some of them with new shapes which, with those whose eyes do not pierce below the surface, have too often hidden the real unbroken life which lurks beneath. CH. XXIV.

But the greatest practical change which the Norman Conquest wrought in the nature of our national Assemblies, that at least which must have made itself most seen and felt at the time, was one which could not take the form of written law. It was one which in the nature of things presently passed away. The greatest of all changes at the time was the change which was involved in the Conquest itself, what we may roughly call the change from an assembly of Englishmen to an assembly of Normans. Here again the change made itself; there was no need for formal legislation; the circumstances of one generation wrought the change as a matter of course, and the circumstances of another generation did away with it. At no moment was there any law which shut out Englishmen from the work of administration or legislation in their own land. But, when a foreign King came in with a host of foreign followers, when the highest offices and the greatest estates of England were bit by bit parted out among those foreign followers, the Assembly gradually changed into what was practically a Norman Assembly, an Assembly in which Normans were many and Englishmen few. Here again, not only was the change gradual, but there was nothing wonderful in its first beginnings. Englishmen had been used to see Danes under Cnut, to see Normans and Lotharingians under Eadward, holding high offices in England, and therefore holding a high place

The Assembly becomes mainly a Norman Assembly.

Gradual and silent nature of the change.

Presence of foreigners under Cnut and Eadward.

CH. XXIV. among the assembled Witan of England. Under William the number of such strangers increased. Bishop William and Abbot Baldwin, Osbern the Sheriff and Robert the Armour-bearer, went on in their old places. And, step by step, each of the classes which they represented was reinforced by strangers in far greater numbers. At the beginning of William's reign the inner circle of the Assembly, those whose attendance was habitual, the Witan as distinguished from the landsitting men, were a body of Englishmen, among whom a few places here and there were filled by strangers. By the end of William's reign, without any formal enactment, without any sudden change, they had become a body of strangers, among whom a few Englishmen kept their places here and there. Step by step, as high posts fell vacant by death or deprivation, as great estates passed to new owners by confiscation or by marriage, Normans succeeded Englishmen at every change. Long before William died, Bishop Wulfstan and Abbot Æthelsige, Wiggod of Wallingford and Thurkill of Warwick, must have formed a small minority among the mass of foreign prelates and nobles. So it was with what we may call the outer circle. In the shout of "Yea, yea" with which the assembled people of England decreed the election of Harold we may doubt whether a single French voice mingled. If any foreign accents were heard, they would be those of the kindred tongues of Flanders and of Denmark. Among the landsitting men at Salisbury, half, or more than half, must have been strangers, and the strangers must have felt themselves far more at home than the natives. The Englishman who had contrived to keep a fragment of his estate as tenant of a Norman lord, and who now came to plight his faith to the Norman King, the luckier King's Thegn who had no lord but King William himself, must have found themselves in an unwonted and irksome position. Their feelings must have been strange as they

Gradual increase of the foreign element under William.

Change among the great men,

and in the general body of the Assembly.

Position of the English in the Assembly.

stood in the presence of a King in whose train there was no English Earl and but one English Bishop; they must have been yet more strange as the native who had kept some small fragment of his lands stood side by side with the foreigner who enjoyed the mass of what had once been his. None of the innovations which either law or custom gradually made in the constitution of the Assembly could at the time have wrought so great a change in its spirit and working as its practical change from a gathering of Englishmen into a gathering of strangers. But here again time did its work. Without any formal enactment, without any change of established custom, the Assembly of foreigners changed back again into an Assembly of Englishmen. As the distinction of Norman and Englishman was forgotten, places of honour and authority were again opened to men of Old-English birth, and the descendants of Norman conquerors and settlers gradually became as truly English as the men of Old-English birth themselves. Long before the time when our national Assemblies put on their modern form, they had again become national in the truest sense. The representative of William of Warren might boast, even in the days of Edward the First, that he held his lands by right of his sword and by the grant of William the Bastard. But a Parliament of Edward the First was as truly an English Assembly as a Gemót of his sainted namesake. The change which had been silently made, had been silently, but thoroughly, undone.

CH. XXIV.

This the greatest practical change.

Silent change back again.

The Parliaments of Edward the First thoroughly English.

One more point must be noticed with regard to the constitution of our national Assemblies in the Norman times. The three elements which now begin to be distinguished, the Witan, the landsitting men, the occasional appearance of the citizens of London and Winchester, give us the germs of the three great elements in our later Parliaments, the peers, the knights of the shires, the citizens and burgesses. But one of the few recorded pieces

CH. XXIV. of William's legislation gave us, as we have already seen, another element. His ordinance for the separation of the ecclesiastical and temporal courts was consistently carried out in the case of the highest court of the realm by the establishment of those ecclesiastical Synods which we now find so often held alongside of the meetings with the Witan.[1] Here again we see the germ of an element in our later constitution, the germ of the ecclesiastical Convocation, which attends, as a kind of shadow, upon the temporal Parliament. The Three Estates of England begin to be distinguished; but we also see the germ of that peculiar position of the English Lords Spiritual which makes them in a manner members of two estates at once. When King William held his Gemót and Lanfranc directly after held his Synod, the prelates who took part in both assemblies were, then as now, members at once of the Upper House of Parliament and of the Upper House of Convocation. Notwithstanding William's legislation, the temporal Assemblies of England never wholly lost their ecclesiastical character. They have always contained ecclesiastical members, and they have never lost their right of dealing with ecclesiastical subjects. On the other hand, our ecclesiastical Assemblies, summoned along with the Parliament, designed to form part of the Parliament, exercising a strictly parliamentary power with regard to the temporalities of the clergy, have always kept something of a temporal character about them. In other lands the clergy, high and low, have commonly formed a distinct estate in the national Assemblies, while their ecclesiastical Synods have been something wholly distinct. In England the ecclesiastical Synod is inseparable from the national Assembly; but the highest rank of the clergy appears in a twofold character in Parliament and in Convocation. The whole details of this very difficult subject it is not my

The ecclesiastical Convocation springs out of William's separation of jurisdictions.

Origin of the Three Estates.

Twofold position of the Lords Spiritual.

Relation of Parliament and Convocation.

Comparison with continental assemblies.

[1] See vol. iv. pp. 393, 690.

business to unravel. They belong to a stage of constitutional history far later than that with which we are now concerned. But, if anybody asks why the Bishops and Abbots, having their place in the Synod, also kept their place in the Gemót, the answer, I think, is plain. To say that the Bishops sit in Parliament simply because they hold baronies runs counter to all the facts of our history. They sit there simply as one of those classes of Englishmen who have never lost their immemorial right. But it would be perfectly true to say that the fact that they held baronies enabled them to keep that immemorial right when others lost it. When the sacrilegious ingenuity of Randolf Flambard subjected the prelates of England to all manner of hitherto unheard-of feudal exactions, his act also settled their place in the national Assembly. It secured that they should keep their seats in the Parliament of England, not, as in France and Sweden, as members of a distinct estate of the clergy, but in their old character of Witan of the land, as an integral part of the same House as the Earls and Barons of England.

CH. XXIV.

Origin of the Prelates' seats in the House of Lords.

Effect of their feudal holdings.

As no formal change took place in the constitution of the national Assembly, so no formal change took place in its powers. In the meetings of the Witan all the affairs of the realm were discussed as of old. William, no less than Ælfred, puts forth his laws by their advice and consent, and when his son Henry, in his charter, renews the laws of Eadward as amended by his father, he speaks of his father's amendments as made by the same authority.[1] The Assembly of the nation still kept its ancient right of giving the nation a chief; Henry acknowledges that he owed his Crown to the election of the barons;[2] while Stephen

No formal change in the power of the Assembly.

Constitutional language of William and Henry,

of Stephen.

[1] See above, p. 168.

[2] Cap. 1 (Select Charters, 96); "Sciatis me Dei misericordia et communi consilio baronum totius regni Angliæ ejusdem regni regem coronatum esse."

CH. XXIV. characteristically uses a phrase, at once more ecclesiastical and more popular, and rests his claim on the choice of the clergy and people.[1] The settlement of the royal succession, the bestowal of bishopricks and earldoms, the foreign policy of the realm, matters of war and peace and alliance, were all discussed in the Great Councils of Henry, just as in the days when alliance with Denmark was proposed on the motion of Godwine and rejected on the motion of Leofric.[2] It is still, as of old, by the advice of his Great Council that the King lays taxes on his people; Henry even forestalls the constitutional language of later times, when he speaks, in words half feudal, half parliamentary, of the aid which his barons had granted to him.[3] And, though separate ecclesiastical courts and councils had arisen, the Witan of the land had not given up their ancient right of ordering the religious affairs of the nation, as well as its civil and military affairs. Whether it is Anselm who is to be restored by virtue of a compromise between himself and the King,[4] whether it is the decrees of an ecclesiastical Synod which need the confirmation of the civil power, in all these cases the King, as supreme governor of the Church, acts by the advice of the same great national Assembly by whose advice he acts in his character as supreme governor of the nation.[5] No change in the constitutional powers of

The Assembly keeps its ancient powers.

Its action in ecclesiastical matters.

The King's supremacy retained.

[1] See above, p. 247.

[2] See vol. ii. pp. 91, 92.

[3] See Stubbs, Constitutional History, i. 371.

[4] The action of the Witan in this matter is strongly brought out by William of Malmesbury (v. 417), who tells us how, "coacto apud Londoniam magno episcoporum et procerum abbatumque concilio, multa ecclesiasticarum et secularium rerum ordinata negotia, decisa litigia." But Eadmer (91) and Florence (1107)—though Eadmer leaves out the lay "proceres," who appear clearly enough in Florence—give us also the record of the debate, the opposition made by some (see above, p. 227), and the presence of the people as of old; "Adstante multitudine, annuit rex et statuit." Cf. also the acts of the Witan in the dispute between the two Primates in Eadmer, 102. Cf. Flor. Cont. 1126.

[5] The decrees of Anselm's synod in 1108 are passed (see Florence in

the Assembly can be inferred from the language either of public documents or of contemporary writers. As the Assembly of the days of Henry was by unbroken personal continuity the same body as the Assembly of the days of Eadward, so the old duties, the old powers, of the Assembly go on uninterruptedly, without any sign of change, either in the shape of legislative ordinance or of established custom. CH. XXIV.

Practical change in the working of the Assembly.

But with the powers of the Assembly, just as with its constitution, while there was no formal change, the practical change was great. The power of the Norman Kings was a despotism, but no mistake can be greater than that which looks upon it as an avowed and naked despotism. It was the despotism of Augustus, not the despotism of Diocletian. English history is utterly misunderstood, if the great Assemblies in which the King wore his crown are looked on as assemblies of mere pageantry, as assemblies which came together to see King William or King Henry wear his crown, much as the nobles of France, in the days of their lowest degradation, crowded to see Lewis the Great or Lewis the Well-beloved put on and take off his clothes night and morning.[1] The Assembly of the realm of England was a real Assembly. While the English saw in it the continuation of the ancient Councils of their Kings, the Normans might see in it the feudal court of their feudal lord.[2] But in either view, it was a real deliberative body, in which the King listened to the advice of his counsellors, and issued his decrees only with their consent. Yet we

English and Norman aspects of the Assembly.

anno) "in præsentia gloriosi regis Heinrici, assensu baronum suorum." When William, Archbishop and Legate, held his synod in 1127 (Cont. Flor. in anno), "Rex Heinricus, auditis gestis assensum præbuit, auctoritate regia et potestate concessit et confirmavit statuta concilii." The same Primate's synod of 1129 came together only, as the Chronicler witnesses, "be þes kynges ræd and be his leue." And we have seen (see above, p. 237) that by the King's leave also some of its canons were disobeyed.

[1] See Appendix MM.

[2] See Stubbs, Const. Hist. i. 357, 370.

CH. XXIV.

Paramount influence of the King.

The Crown strengthened by frequent holding of Assemblies.

Cessation of Assemblies a sign of weakness.

Ecclesiastical advances under Stephen.

may feel sure that no motion disagreeable to the King was ever carried, that few motions agreeable to the King were thrown out. The old principle is still at work; a strong King can guide the national Assembly at his pleasure; a weak King is helpless in the face of it.[1] In all early times the constant holding of national Assemblies, the constant recognition of their authority, is a sign, not of the weakness of the Crown, but of its strength. As long as the great men of the realm habitually meet together under the eye of the King, they will remain the great men of an united kingdom; they will not grow, each man by himself, into sovereigns of separate principalities. It is under a strong King that the Assemblies are regularly held and are kept in vigorous action. It is under a weak King that they gradually fall into disuse. And the first three Kings after the Conquest were emphatically strong Kings. They had the strength of their own personal characters; they had the strength which they inherited from their English predecessors; they had the further strength which they drew from their special relations both towards the conquerors and the conquered.[2] It was only in the fourth reign, under the anarchy of Stephen, when every man was his own King and his own law, that we hear complaints that the national Assemblies were no longer regularly held.[3] In those days, so far from the national Council ruling the affairs of the Church and confirming the decrees of ecclesiastical Synods, ecclesiastical Synods, as the one shadow of law and order that was left, took upon them to rule the affairs of the nation and to dispose of the Crown of England.[4]

But there was one of the ancient powers of the Witan which, during these reigns, was brought into increased

[1] See vol. i. p. 123.
[2] See above, p. 384.
[3] See Hen. Hunt. 223 *b*.
[4] See above, pp. 305, 310, 326.

prominence, and out of which gradually grew some of the most important and lasting institutions of the country. CH. XXIV.

In all early constitutions that distinction between judicial and legislative powers with which we are so familiar is very faintly drawn. We have seen that the Witan acted habitually as a court of justice on great occasions. Their powers in this way have lasted down to our own day. The appellate jurisdiction of that House of Parliament which by lineal succession represents them is only now passing away from it; and the ancient practice of impeachment by one House before the other, though not likely to be again put in force in our days, has been acted upon within the present century, and has never been formally abolished. Legislative and judicial powers not distinguished in early times. Judicial powers of the Witan continued in the Parliament. Right of impeachment.

In the days of Eadward we saw the national Assembly constantly pronouncing and reversing sentences of outlawry, and depriving men of the earldoms or the bishopricks which it had bestowed upon them.[1] All through the Norman reigns this power goes on. It was by the sentence of the Witan that Waltheof was sent to the block and Roger of Hereford to his life-long imprisonment.[2] It was before the same highest court of the realm that William of Saint Carilef and William of Eu were arraigned in the days of Rufus;[3] it was before them that Henry accused Robert of Belesme and Geoffrey of Clinton.[4] And, though we may believe that, in trials of this kind, the King's will commonly prevailed, yet the form at least of discussion and free speech went on. If the Conqueror was driven himself to pronounce sentence on his offending brother and to seize him with his own hands, it was because the Assembly stood mute when it was called on to pro- Criminal jurisdiction of the Assembly under William and Henry. Case of Odo;

[1] See vol. ii. pp. 151, 335, 336, 385, 396, 465, 498.

[2] See vol. iv. pp. 589, 593.

[3] For William of Saint Carilef, see the story in the Monasticon, i. 244; on William of Eu, see above, p. 247.

[4] See Hen. Hunt. 220; Ord. Vit. 702 D, 841 A.

CH. XXIV. nounce sentence on so exalted a criminal.[1] In one case we have the name of the counsellor by whom a barbarous punishment was suggested;[2] in another we find the Witan of the realm pleading, and not unsuccessfully, with Rufus himself.[3] In the first days of Stephen, before anarchy had grown to its full height, it was at least with the outward show of the consent of the Assembly that, in weak imitation of the Conqueror, he seized on the Bishops of Salisbury and Lincoln.[4] The Assembly too acted no less as a civil court between disputants in high place. Both under the Conqueror and under Henry we find the great national Council deciding disputes between rival prelates as to the temporalities of their respective sees and as to the boundaries of their respective dioceses.[5] In all these matters the powers of the Great Council of the realm went on, in no way lessened by the coming of the foreign dynasty. If they are not actually strengthened, they are at least brought into yet greater prominence than before.

case of William of Eu.

Stephen and the Bishops.

Its civil and ecclesiastical jurisdiction.

But all this while we have seen that the tendency of the time was to confine the national Assembly more and more to those who were actually summoned by the King, either personally or in a body. When this tendency was at work, it was natural to carry it still further. By a further development of the principle of the King's summons, it was easy to establish what in modern language might be called a standing committee of the Assembly. Such a committee might be needed to deal both with business which could not well be delayed till the regular meetings, and with business which it was for the interest of the King to have handled by a smaller body. Our Kings must from the very beginning

Effect of the practice of summons.

Growth of the inner Council.

[1] See vol. iv. p. 684.

[2] Orderic (704 C), after recording the fate of William of Eu, adds, "Hoc nimirum Hugone Cestrensium comite pertulit instigante."

[3] Ib. 704 D. "Consultu sapientum [see above, p. 412] hujusmodi viris pepercit."

[4] See above, p. 288.

[5] See above, p. 234.

have had, in practice if not in any definite legal shape, a smaller council for their more immediate advice, and for the shaping of proposals to be laid before the general Assembly. Under the Norman reigns this important practical element of government took a more distinct shape. We now begin to hear of the King's Court, the *Curia Regis*, as something different from the general Assembly. But it differed only as the part differs from the whole; it was in effect a committee of the Assembly made up of the King's immediate officers and advisers. Before this body it was specially convenient to bring much of the judicial business of the general Assembly, those matters, above all, in which the King and the King's revenue were immediately interested. Thus gradually arose a tribunal whose growth was further strengthened by the working of other ideas, both English and Norman. Both in the English and in the Norman system, the King, beside being the political head of the nation, was the personal lord of many men in the nation. As such, both the English King and the Norman Duke had his court for the decision of questions among his own immediate men. We may well believe that the functions of the ancient but somewhat shadowy *Theningmannagemót*[1] were transferred to the new *Curia Regis* of the Norman Kings, if in fact the *Curia Regis* was not the *Theningmannagemót* under a foreign name. One thing at least is certain, that neither the general Council nor the smaller committee of it were institutions brought over ready made from Normandy. Even the novelties of the Norman reigns were things which grew up on English soil. They grew up indeed under Norman influences; but they were not brought over as something new from the foreign land. The boundless wealth of the unbroken series of English records before and after the Conquest stands out in contrast with the utter absence of records or laws in the

CH. XXIV.

The King's Court.

Strengthening of its powers.

The *Theningmannagemót* and the *Curia Regis*.

Wealth of English and lack of Norman records.

[1] See Stubbs, Const. Hist. i. 186, 439.

CH. XXIV. Norman duchy. There is neither likelihood nor positive evidence to lead us to believe that institutions which are so clearly the old institutions of the land modified by altered circumstances were brought over in any definite shape from a land which doubtless had institutions, but whose institutions can only be guessed at from the analogy of other lands.

Strengthening of the King's power by the King's Court.

Comparison with Germany under the Frankish Kings.

The King's Court, when once established, naturally became one of the chief means of strengthening the power of the King. The change was not unlike that which took place in the ancient Frankish realm, as the institutions which drew their being from the strong power of the Christian Kings grew up alongside of the immemorial mass of heathen German usage.[1] The *Curia Regis* was in its origin a committee of the Witenagemót. Practically it was the King's Court, acting in the King's name and for the King's interest, in a way in which the Witenagemót never had acted. Above all, it brought the King's power, in his character of what lawyers call the fountain of justice, home to every man in the land, in a way in which it had never been brought home before. It is to this institution, more than to any other one cause, that we may ascribe that centralization of the administration of justice which is so marked a feature of English law. But it did even more than this. Out of the *Curia Regis* all the administrative institutions of the kingdom seem to have sprung. The Norman reigns set up, alongside of the solid basis of Old-English local freedom, a vigour of central administration which was before unknown. To reconcile English freedom with Norman strength has been the great political problem for all later ages. Now it is not too much to say that, in the King's Court, which had first been the representative of strength as opposed to freedom, the means were found for

Its effect on the centralization of justice.

[1] See the Chapter, "Die Reformen der christlich-frankischen Zeit," in Brunner's Entstehung der Schwurgerichte, p. 60.

reconciling the two. All the later institutions, judicial and administrative, by which the Crown first controlled the people, and by which the people have afterwards controlled the Crown, are branches of the *Curia Regis*. Every court where law or equity is administered in the King's name is a fragment of the King's Court of Norman times. So again, another side of this inner council of the King survives in the Privy Council. And it is instructive to see how, in the history of institutions, the same causes ever produce the same effects. The *Curia Regis* was a fraction of the Witenagemót, certain members of the Witenagemót specially summoned for certain purposes. One side or one fraction of the *Curia Regis* became the Privy Council, the body of the King's special advisers in the government of his realm. Modern experience has shown that the whole Privy Council was too large a body for this purpose. It has therefore handed over its political functions to a small number of its own members, that Cabinet Council, so all-important in practical politics, but which has no being in the eye of the written law. The Cabinet has been formed out of the Privy Council by exactly the same process by which the *Curia Regis* and the later Parliament were formed out of the Witenagemót. Certain members of the body are specially summoned; those who are not specially summoned stay away. No Act of Parliament defines the Cabinet, but it is perfectly well known that the political functions of a Privy Councillor who is not a member of the Cabinet have vanished as utterly as the primitive right of the ordinary freeman to appear unsummoned in the general Assembly of the nation. But, by another silent revolution, this inner body of all, this wheel within so many wheels, which might have been thought to be the very innermost sanctuary of royal power, has become the means by which the royal power is exercised in obedience to the popular will. The question who, among

CH. XXIV.

Its workings on our later constitution.

All courts of law and equity spring from it.

The Privy Council.

The Cabinet.

Working of the practice of summons.

Popular working of the system.

CH. XXIV.

the King's nominal councillors, shall be charged with the practical exercise of the royal power, no longer depends on the will of the sovereign. The question who shall take their places in the innermost Council of all, is now, practically though informally, decided by the voice of the representatives of the people; on two memorable occasions in very recent times it has been decided by the direct vote of the people itself.[1] The cycle has come round; the ordinary freeman can no longer come in person to clash his arms and raise his shout of Yea, yea, or Nay, nay; but he can, in a manner no less effectual, help determine, not only who shall make the laws by which the Crown itself is bound, but by whom the powers which the law still gives to the Crown shall be virtually exercised.

1868, 1874.

The old rights brought back in a new shape.

Increased importance of the great officers of state and household.

The increased administrative strength which the Crown became possessed of under the Norman Kings, and, above all, the fiscal spirit in which the powers of the Crown were exercised, helped to clothe the King's great officers, both officers of the state and officers of the royal household, with an importance which they never before possessed. We have noticed long ago that, in earlier times, the great officers of the King's household were, in accordance with the principle of the *Comitatus*, men of high rank and importance, but that they did not hold the first place in rank and importance.[2] We saw that, just as at the present day no man who has a chance of high political office will stoop to court office, so, in its measure, it was then. The King's Stallers were men high in trust, often high in command; but they did not, either in rank or power, stand alongside even of an ordinary Earl or Bishop, much less of an Earl of the West-Saxons or of the Northumbrians in the days of Eadward. Under the Norman Kings, in accordance with

Their position in earlier times.

[1] I have said more on this matter in the International Review, May, 1875.

[2] See vol. i. p. 94.

the increased power of the Crown and the increased unity of the kingdom, all this has turned about. Earls and Bishops, representatives of local independence, sink in their directly official character. Their importance is now wholly a corporate importance, as members of the Great Council or the Parliament. Earls like Godwine, Leofric, and Siward are no longer heard of. It is laid down as an axiom that no one man in the realm shall be strong enough to resist the King.[1] While Earls and Bishops sink in importance, the ministers of the King, his personal advisers, the personal agents of his will, rise in importance.

CH. XXIV. Lessening of the strictly official importance of Earls and Bishops.

The growth of the great officers of state is wrapped in a good deal of obscurity. This is owing, exactly as in the case of the Great Council itself, to the lack of any distinct or direct statements, and to the vague way in which titles are used. But, besides mere confusion of language, there can be no doubt that, in this matter also, the Norman period was a period of transition, and it was perhaps in this matter more than in any other that it was a period of distinct innovation. We hear of high officers with titles hitherto unknown; we see officers whom we have before heard of rise into an importance which never before belonged to them. And it is not wonderful if we see more direct traces of Norman influence in the composition of the King's court and household than in any other of the institutions of the kingdom. Eadward, as we have seen, was, even under the rule of Godwine and Harold, allowed to surround himself with Norman officers of his household, some of them bearing Norman titles.[2] To indulge him in matters of this kind was deemed harmless, as long as the real rule of the kingdom was in the hands of the two great West-Saxon Earls. Under the Norman Kings, it was only

Innovation greater with regard to these offices than with regard to anything else.

[1] Will. Malms. iv. 306. "Experti quamlibet nobilem, quamlibet consertam manum, nihil adversus regem Angliæ posse proficere."

[2] See vol. ii. p. 328.

CH. XXIV. natural that the constitution of the King's own household should be the point in which the most direct importation of Norman usage can be seen. The great officers of the household were much the same under the Old-English Kings as they were under the Frankish Kings and Emperors.[1] In England we had the High-Reeve of the King's household, his Dish-Thegn, his Cup-Bearer, and his Staller or Stallers. With bearers of the last office we have been familiar throughout our history, and the others may be traced, though with less frequency, through our ancient laws and annals. Officers answering to these, with some slight modification in their offices, passed from the courts of the Frankish Emperors and Kings to those of the Norman Dukes. Under the Empire, four great offices of the royal household became attached to the four lay electorates, and the rule that the Electors of the King should be officers of his household was deemed so inflexible that, when new electorates were founded, new offices of the household were devised for them.[2] Here we see the greatest developement of a tendency which, under the Norman rule, began to work in England also. When offices of the royal household became hereditary, when they became hereditary in the houses of the greatest princes of the Empire, they naturally became, as offices of the household, altogether nominal or formal. Even when the King of Bohemia and the Emperor were not the same person, the Emperor could not be always served by the King of Bohemia at his daily meals. The time when these offices conferred actual power passed away as the offices themselves rose in greatness; the Electors were powerful, but their power did not arise from their offices in the Imperial

Analogies with the Frankish kingdoms.

Offices attached to the Electorates.

Effect of the hereditary character of offices.

[1] See Appendix OO.

[2] On the foundation of the office of Arch-treasurer of the Empire, borne first by the Elector Palatine and then by the Elector of Brunswick-Lüneburg, see Putter, Institutiones Juris Publici Germanici, 71, 72; Zöpfl, Geschichte der deutschen Rechsinstitute, 210.

household. In the like sort, in the lowlier court of the Dukes of the Normans, the great offices of the household had begun to be hereditary before the Conquest of England, and the same principle took root in England also under her Norman Kings. Up to that time there is nothing to show that any office of the royal household, any more than any earldom, or than the Crown itself, passed as a matter of right from father to son. Such an hereditary transmission of office would have been quite inconsistent with all the political notions of our forefathers. But, as feudal ideas grew and strengthened under the Norman reigns, the hereditary principle, so favoured by all feudal doctrines, was not unnaturally, after the precedent of Normandy, applied to these offices also. Stewardship, constableship, butlership, chamberlainship, all become fixed in particular families. But, as the offices become hereditary, the policy of the Kings took care that the offices themselves should lose much or all of their ancient powers. There was no fear of an English Steward or Constable growing into the position of a German Elector; still, it might have been dangerous to allow hereditary officers to keep the same powers which might be safely trusted to officers whom the King could appoint or remove at pleasure. As therefore the older offices became hereditary, new offices sprang up by their side, which gradually drew to themselves most of the powers of the older ones. In one case, one of these secondary offices itself became hereditary, and remains hereditary still. Normandy had an hereditary Chamberlain before the Conquest of England.[1] England, besides the Lord High Chamberlain of ordinary times, has still an hereditary Lord Great Chamberlain who appears only on a few specially solemn occasions. But England has also an hereditary Earl Marshal, and the Marshal —whose old Teutonic name came over to us disguised in

CH. XXIV.

Offices hereditary in Normandy sooner than in England.

Danger of great powers in hereditary officers.

History of the Chamberlainship.

The Constable and the Marshal.

[1] Stubbs, Const. Hist. i. 344.

CH. XXIV. a French shape—was one of the officers of the secondary order who arose alongside of the more ancient Constable.

Amid this constant shifting of the powers of different officers, and these constant confusions in the titles used to describe them, three officers of great importance gradually emerge during the time with which we are now dealing.

The Justiciar.

The person who held the chief power after the King himself, who is sometimes spoken of in a pointed way as second to the King,[1] was in those days the Justiciar. Yet the growth of the office can be traced only with great difficulty. As usual, its holder has no one distinct title; he is spoken of in various ways, which are descriptions rather than titles.

Lax use of titles.

Such lax ways of speaking, which may perhaps puzzle historians of some distant age, are common among ourselves. We far more commonly speak of the Prime Minister or the Premier than of the First Lord of the Treasury; and even this last more formal title is but an abridged description of the person who ranks first among the Commissioners for executing the office of Lord High Treasurer. It is therefore in no way wonderful if the officers whom, by a faint analogy, we may call the Prime Ministers of the Norman Kings are spoken of by more names than one. On these great officers, as their functions were gradually defined, the title of Justiciar or Chief Justiciar definitely settled.

Use of the title Justiciar.

The name is given by writers a little later to the men who acted by the Conqueror's commission during his absences on the continent, and also to those who presided in his name in great judicial courts even when he was in England. In this sense we find it vaguely applied to William of Warren and Richard of Bienfaite, and to the more famous Odo of Bayeux, Geoffrey of Coutances, and Lanfranc himself.[2] But it does not seem that any definite or permanent office was

[1] See above, p. 217.

[2] See vol. iv. p. 580, and Stubbs, Const. Hist. i. 346.

marked out by the name in the days of the Conqueror. Under William Rufus, at the beginning of his reign, we have seen William of Saint Carilef supplanting Odo as the King's chief minister;[1] and both of these are spoken of in the same vague way as those who are called Justiciars under the Conqueror. It is with Randolf Flambard that the definite office seems first to stand distinctly out. And it has been suggested, with every show of likelihood, that Rufus saw the danger of entrusting great powers to men in the position of the Bishops of Bayeux or Durham, and that he thought it safer to seek his ministers among men of his own making, who should owe their greatness to himself personally. Flambard rose in the end to the same place as William of Saint Carilef, and the beginnings of William of Saint Carilef were not so very unlike those of Flambard. Both had risen from the Conqueror's chapel to his council-board. But Rufus found William of Saint Carilef in possession of greatness, while the greatness of Flambard was his own gift. Flambard himself is spoken of in various vague ways, but there is witness enough to show that the chief judicial power was in his hands. Under Henry the same place is held by his chaplain, the famous Roger, whom we have seen rise to the see of Salisbury, as Flambard rose to the see of Durham. Under him the office and title of Chief Justiciar become more distinct. He is called "second after the King," and it is plain that the administration of the kingdom was chiefly in his hands, and that the system of administration which was brought to perfection in Henry's reign was chiefly his work. Henry, like Rufus, found it to his interest to vest these great powers only in a man of his own making, a clerk who might grow into a Bishop. Under the second Henry we find the office held no longer by a clerk, but by a baron. According to one account, the

CH. XXIV.

The office becomes definite with Flambard.

Roger of Salisbury.

Barons Justiciars under Henry the Second.

[1] See above, p. 76.

CH. XXIV. office was one which had reached its highest dignity in its own person. In the last days of Stephen, so we are told, Henry, Duke of the Normans and adopted heir of England, had not scorned to act as Justiciar of the kingdom which was soon to be his own.[1] At all events the lay Justiciars of Henry's reign stand out as a distinct class from the clerical Justiciars both of earlier times and of the reign of his son.

Randolf of Glanville. His legal treatise.

Foremost in this time is the famous Randolf of Glanville. He was the writer of our first law-book which bears the name of a personal author, a book which marks the beginning of one æra in our law, as the so-called Laws of Henry the First mark the end of an earlier æra. The Justiciar, chief administrator of the law, chief representative of the King in absence, drawing to himself all the important functions of the older Steward, was, while his office lasted, the most powerful subject in the realm. But, even under Henry the First, the chief Justiciar was not the only Justiciar.

Other Justiciars besides the chief.

The title is borne by a variety of smaller officers;[2] and every officer who, from that day till now, has any share in administering the law by the King's commission, from a Chief Justice of England to a Justice of the Peace in the smallest borough, may look on himself as having about him some shred of the mantle of Roger of Salisbury and Randolf of Glanville. But the office itself has wholly vanished; the next great officer of those times, then lower in power and rank than the Justiciar, has outshone him and outlived him, and abides, with increased rather than lessened dignity, in our own day.

The Chancellor.

This officer was the Chancellor. He first appears in England by that name in the reign of Eadward,[3] but his name and office had been familiar on the continent since the days of the first Karlings.[4] Indeed his office, under

[1] See above, p. 329, and Brunner, Entstehung der Schwurgerichte, 135.
[2] See Stubbs, Const. Hist. i. 349.
[3] See vol. ii. p. 359.
[4] See Stubbs, Const. Hist. i. 352.

some title or other, must have been a matter of necessity everywhere. The Lord High Chancellor of later times, the highest Judge in equity, the Speaker of the House of Lords, the proverbial keeper of the King's conscience, arose from more lowly beginnings than any other of the great officers of state. In his first beginnings, if the King's conscience was in his keeping, it was in his character as King's chaplain, head of the King's chaplains, head of a trained body of men by whom all letters, writs, and accounts, in all branches of the King's immediate administration, were written and kept. The lowly beginnings of the office are marked by the name being freely applied to other officers who were not in the royal service. The King had his Chancellor, as he had his Steward, or any other officer of his court or household. But the Bishop had his Chancellor also, and the name has attached itself to two wholly distinct ecclesiastical officers, to the Chancellor of the diocese, the Judge of the Bishop's court, and to the Chancellor of the church, whose place was to stand at the head of education in the cathedral church and in the diocese.[1] Out of this last office grew another kind of Chancellor, the Chancellors of the Universities, whose office also from lowly beginnings has risen in dignity, if not in power, almost to a level with the royal Chancellor himself. But the greatness of the Chancellor belongs to a later time than that with which we are now dealing. The days when the chancellorship could add fresh dignity to a Bishop, or even to a Primate of all England, were yet to come. The Chancellor of the Norman reigns is a churchman, who looks forward to a bishoprick as the reward of his services; but it is thought unworthy of a Bishop to accept, or even to keep, a post so much beneath his rank. It marks the difference between the position of the Justiciar and that of the Chancellor, that Roger of Salisbury,

CH. XXIV.

Growth of the office.

Other Chancellors.

The Chancellor a clerk on his promotion.

[1] He holds the same office which Adelard held at Waltham; see vol. ii. p. 443.

CH. XXIV. not yet Bishop or Justiciar, held the office of Chancellor, but that, when he was promoted to the higher posts, the lower office was found in the hands of his son.[1]

The Hoarder or Treasurer.

Another officer who, in after times, rose into high rank and dignity is now also seen growing into importance, though into far less importance than in after times. The King's "Hoarder" was as old as the King's "hoard."[2] Under the Norman reigns he appears under the Latin title of Treasurer; and, in accordance with the fiscal spirit of the Norman administration, he grows into increased importance. But the Treasurer, like the Chancellor, of these times is a small person compared with the Lord High Treasurer of after days. In comparing all these great offices, we see that their history follows one general law.

The older offices die away or become nominal.

The court officers, if they rise in dignity, sink in power. Their offices die out altogether, or are changed into hereditary honours, with merely nominal or occasional functions. Their real powers pass away to the secondary class of officers, those whose duties were more practical and more constant; and these last grew into the highest offices of the realm, offices so high that most of them now only survive in a fragmentary state.

Survival of the secondary offices.

The Lord High Constable has passed away; the Lord Great Chamberlain, the Lord High Steward, the Earl Marshal, appear only from time to time. And, in the cases of the Steward and the Chamberlain, other court offices bearing the same titles have sprung up beside or below them. But the Chancellor still keeps his greatness; and, though the Justiciar and the Treasurer have been broken up into small fragments, they may be thought to survive in persons of no less importance than the Chief Justice of England and the First Lord of the Treasury.

[1] See above, p. 287, and Stubbs, Const. Hist. i. 353.

[2] See Stubbs, Const. Hist. i. 353. The "Hordere," as a monastic officer, appears in the Peterborough Chronicle, 1131.

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The mention of the Treasurer leads at once to an institution which grew into special importance in the Norman reigns, reigns when the exacting of money seemed to have become the chief business of government and the chief duty of its officers. The Old-English Kings had their *hoard*, and the hoard under its Hoarder must always have been a special department of administration. But it is now that, under a new name, it springs into new prominence. The malignant genius of Flambard had devised all manner of new pecuniary rights on the part of the Crown, and the royal revenue, its management and its increase, became the chief matter for thought on the part of the King and his officers. While the Sheriffs, local officers who were constantly before the eyes of the whole people in every part of the kingdom, still kept their English title, the *hoard* into which they had to make so many payments, a *hoard* which they represented in the eyes of the mass of the people, naturally took new names in the mouths of the strangers who had its chief management. It became *fiscus* or *thesaurus*, and it afterwards came to bear a name which must at first have been given to it in playful mood, that of *Scaccarium* or *Exchequer*. No really serious origin can be assigned to a name drawn from the accident that the table at which the business of the treasury was done was covered with a party-coloured cloth which suggested the notion of a chess-board. The Exchequer is, in strictness, the table itself; but the name was easily transferred to the institution of which the table was the chief feature.[1] The origin of the Exchequer, like that of the other institutions of the Norman period, is simple enough. It is an Old-English institution, one of those institutions which must be found under any settled government, but it was modified and developed under foreign rule, and, like so many other things, it was called by a foreign name. The

The Hoard or Exchequer.

Prominence of the revenue in the Norman reigns.

New names for the Hoard: *fiscus, thesaurus, scaccarium.*

Origin of the name *Exchequer.*

Origin of the institution.

[1] See Stubbs, Const. Hist. i. 377.

CH. XXIV. latest and deepest researches into English constitutional history have cast aside the dream of some English and some foreign writers, that the Exchequer was an institution wholly foreign to England, and was brought over as a complete novelty from Normandy.[1] There is nothing to show that the Norman Exchequer, the Exchequer which had its seat at Caen, was, even under that name, older than the Exchequer of England. Among the records of each which remain, records of the highest value, which in England begin to help us in the later days of Henry the First, the oldest English rolls are older than any to be found in Normandy.[2] This might indeed be the result of accident; but there is absolutely nothing to show that the institution was borrowed from Normandy, and its English origin was not forgotten in the days of Henry the Second.[3] The Norman Dukes must have had their hoard or treasure no less than the English Kings; and the likelihood of the case is, that the earlier and ruder institutions of both countries were wrought into the same more fully developed form by the organizing genius of Henry's great minister Roger. In England the Exchequer appears as one branch of the King's Court, a branch which in later times was to be again divided into a department of administration and a court of law. The judicial functions of the Exchequer grew out of its financial functions. The court, as distinguished from the administrative department, came into being in order to try causes in which the King had an interest. Under the Norman reigns, the Barons of the Exchequer, so called in the same vague way as so many other royal officers, consisted of the great officers of state, among whom naturally were the Treasurer, the Chancellor, as the keeper of all classes of records, and the president of the whole body, the Justiciar. Of this

Not brought over from Normandy.

The Norman Exchequer not older than the English.

Both Exchequers organized by Bishop Roger.

Division of the Exchequer into an administrative and a judicial branch.

[1] See Appendix PP. [2] See Stubbs, Const. Hist. i. 438.
[3] See Appendix PP.

institution in its fully developed form we get our first glimpses under Henry and his minister Roger. A full and detailed account, setting before us the whole working of the Exchequer in the days of Henry's grandson, is due to Roger's grandson or great-nephew, Richard, Treasurer and Bishop of London, and successor in his financial office of his father Richard Bishop of Ely, whom we have heard of in the reign of Stephen.[1] The descendants and kinsfolk of the poor clerk of Caen who so cleverly drew on himself the notice of the Ætheling[2] had grown into a family which seems to have possessed hereditary administrative ability, and which certainly enjoyed something like a monopoly of the higher administrative offices.[3]

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The "Dialogus de Scaccario."

Monopoly of offices by Roger's kinsfolk.

Even merit however such as the members of this family seem really to have possessed was not of itself enough to raise them to the high places of the state. In that age, when the Exchequer was the most important branch of government, that evil system of purchase which, banished from the civil administration, still clings[4] so obstinately to the less intellectual departments of our standing army, was in full force in every branch of the public service. The Treasurer Richard himself had bought his treasurership,[5] and the earliest roll of the Exchequer shows us the then Chancellor Geoffrey Rufus as owing a vast sum for his possession of the great seal.[6] Smaller posts in the administration of justice, as well as posts in the court and household, were freely sold; at all events money was freely taken from those who were appointed to them. It

Purchase of offices.

[1] See Appendix PP.

[2] See the story in William of Newburgh referred to in p. 217.

[3] On this official family see Stubbs, Preface to Benedict, i. lix.

[4] I had used a past tense, but the Parliamentary session of 1875 has made me change it back into the present.

[5] See Stubbs, Const. Hist. i. 384.

[6] Rot. Pip. Hen. I. 140. "Cancellarius debet M.M.M. et vi. li. et xiii. s. et iiii. de pro sigillo."

CH. XXIV. does not necessarily follow that officers who paid for their posts would be more corrupt and oppressive than those who owed them solely to the royal favour. In the old state of things in France, the property which various magistrates had in their purchased offices really helped to strengthen that spirit of independence in the judicial body which outlived every other trace of freedom. This effect however would hardly have followed under the ruder fiscal system of our Norman Kings. A distinction may perhaps be drawn between the two cases. It is clear that almost every act of the Crown was turned into a means of increasing the revenue of the Crown; still the entries do not so much give us the idea that offices and favours were in the strictest sense sold, as that those who sought for offices and needed favours had no chance of getting them without contributing to the royal hoard. No source of income indeed seems to have come amiss to a Norman King. Justice itself, if it was not in the strictest sense sold, that is, if it was not made a matter of mere bribery, was at any rate not to be had without paying for it. It was something if, when two opposing claimants strove to outbid one another, the one who failed in his suit had the luck to get his money back again.

Effects of purchase in the French Parliaments.

In what sense offices were sold.

Justice not to be had without payment.

The various sources from which the royal Exchequer was filled form an easy transition from the central to the local administration of those times. At an earlier stage of our history, we found a French poet of the thirteenth century, when he wished to set forth the supposed covetousness and extortion of Harold, describing him as sitting at the Exchequer like a Sheriff.[1] The reeve of the shire, the immediate officer of the King in the shire, had doubtless been, like smaller reeves, a fiscal officer from the beginning. But in these reigns the fiscal side of the office

Duties of the Sheriff.

His office fiscal from the beginning.

[1] See vol. iii. p. 629.

overshadows every other. It was the Sheriff who had to see to the King's profit and his own in every corner of his shire, and in almost every transaction that went on in it. He was the collector of the King's dues of every kind. Those different kinds were endless, and for all he had to account to the royal Exchequer. Both the ancient sources of income which belonged to the King strictly in his character of an English King, and the new kinds of profit which had come in with the new-fangled feudal devices, all passed through the hands of the Sheriff. The older sources of income were, according to the later use of an ancient English word, *farmed*[1] by the Sheriff. The profits of the King's land—once the *Folkland*—in the shire, his various dues and rights in kind and in money, were commuted for a fixed sum, the *farm* of the shire, with regard to which the Sheriff stood much in the position of a Roman publican.[2] All that was to be paid, and all that was to be received, in the King's name within his shire passed through his hands. He paid into the Exchequer the fixed yearly sum which formed the *farm* of the shire, while he himself, in his character of publican, bore any loss and profited by any excess. And, besides these sources of income, many of which belonged to the King in that character of land-owner in which he had supplanted the nation, there was the great tax due to him more strictly in his character as sovereign or chief of the nation. This was the *Danegeld*, that name expressive of public dislike, which had now become the formal name for what in earlier times had been the *Heregeld*.[3] Six shillings on every hide of land was the regular amount, as fixed by the last taxation of the Conqueror,[4] the taxation which the great Survey had enabled the Conqueror to levy with a

CH. XXIV.

The Sheriff farms the King's dues.

The Danegeld.

[1] On the Old-English *feorm*, see vol. i. p. 360.

[2] See Stubbs, Const. Hist. i. 381.

[3] See vol. ii. p. 574.

[4] See vol. iv. pp. 685, 696, and Appendix QQ.

CH. XXIV. regularity and certainty unknown before. But the equal pressure of the tax was modified by various exemptions,[1] and this source of royal revenue also was farmed by the Sheriff, and accounted for by the payment of a fixed sum to the Exchequer. With regard then to these two main sources of royal revenue, the Sheriffs of the first half of the twelfth century lay under exactly the same temptations to extortion as their Roman forerunners in earlier times or as the French farmers-general in later times. And along with the Danegeld, a tax which was strictly a tax on the land, came the *aids* of the towns, an impost which has been held to be in effect the Danegeld levied on those parts of the kingdom to which the reckoning by hides of land could not apply. All these sources of income, though they might have been increased and altered in various ways, still had their roots in the ancient constitution of the kingdom. But along with them came those new-fangled sources of income which arose out of the new-fangled feudal tenures. These were the profits which came in to the King in his character of feudal lord, the reliefs, the escheats, the aids, and the yet baser profits of wardship and marriage. All these things, which had been made into means of so much arbitrary oppression under Rufus, Henry was pledged by his charter, not indeed to abolish, but to regulate in some more reasonable fashion.[2] And the promise was so far fulfilled, that we can see some approaches to a regular rating under Henry the First, which put on a more distinct form under Henry the Second. And, mixed up with all these dues, ancient and modern, we find, in the one roll of Henry the First, as in later rolls, a crowd of nondescript payments which show how carefully the royal officers looked into the affairs of every man, and how narrowly they watched after any damage done in any way to the royal interests. In the

Analogy with the Roman *publicani*.

Aids from the towns.

New feudal sources of income.

Witness of Henry's Pipe Roll. 1130.

[1] See Appendix QQ.

[2] See above, pp. 168, 374.

second page of the record we find Restold Sheriff of Oxfordshire owing seven pounds ten shillings on account of the King's woods, which were so destroyed that no profit could be had of them. He owes other sums, because, in the King's absence beyond sea, he had unjustly taken certain moneys from the churls and burgesses of the King's own manors, and because he had paid nothing for the land of Roger Mauduit which he had held in wardship.[1] On this last charge he was at the King's mercy. Hugh Talemasche has to account for moneys paid to John of Saint John without the King's order.[2] Gospatric of Newcastle owes twenty marks for being allowed to purge himself by oath instead of undergoing the ordeal.[3] Roger the son of Elyon has to make his composition for concealing a robber;[4] and, an entry of no small importance in every point of view, the judges and jurors of Yorkshire pay one hundred pounds for the privilege of being no longer judges or jurors.[5] CH. XXIV.

Example of the judge and jurors of Yorkshire.

There is enough in these instances, and in a crowd of others in Domesday and elsewhere, to show that it was by no means a needless promise, when Stephen, in his second charter, bound himself, among other measures of

[1] Rot. Pip. Hen. I. 2. "Restoldus . . . debet vii. li. et x. s. quoque anno pro nemoribus regis quæ adeo destructa sunt quod nullus vicus potest inde reddere firmam. Et idem debet xi. li. et iii. s. et iv. d. de firma terræ Rogeri Maledocti, quia habuit in custodia et nichil inde reddidit. Et inde est in misericordia regis. Et idem debet c. et xv. li. xv. s. et viii. d. quas injuste abstulit villanis et burgensibus de propriis maneriis Regis, postquam rex mare transivit."

[2] Rot. Pip. p. 3. "Hugo Talemasche reddit compotum de iv. li. et xiii. s. et iv. d. pro denariis quos liberavit Johanni de sancto Johanne sine præcepto regis."

[3] Ib. 35. "Gospatric de Novo Castello debet xx. marcas ut purgaret se de judicio ferri per sacramentum."

[4] Ib. 73. "Rogerus filiam Elyon scutellarius reddit compotum de vii. marcis argenti pro latrone quem celavit."

[5] Ib. 34. "Judices et juratores Eboraciscire debent c. li. ut non amplius sint judices nec juratores."

CH. XXIV. reform, to put an end to the evil deeds of the Sheriffs.[1] But the entry about the Yorkshire judges and jurors has a deeper importance. It points to the change which was gradually taking place in the judicial administration of the country, a change by which the powers of the ancient local courts of the shire and the hundred were gradually weakening, and the central powers of the King's Court were gradually increasing. The change has worked in the end for good. The periodical visits of Judges immediately commissioned by the Crown to the several shires, the care taken to keep those Judges free from all local influences, the advantage thus given to every corner of the kingdom of having the cases which arise in it tried within the district, but by the highest judicial ability that the kingdom can supply,—all this is, in its modern developement, one of the brightest features of our English law. But the early steps of the process which led to it must have seemed to the men of the twelfth and thirteenth centuries a vexatious interference with the ancient customs of the land. And there can be little doubt that, here as elsewhere, the desire to increase the power, and above all, to increase the revenue of the Crown, was mixed up with that sincere desire to maintain the peace of the land for which we cannot refuse to give credit both to the Conqueror and to his youngest son.

Centralization of justice; weakening of the local Courts and strengthening of the King's Courts.

Its final good results.

This transfer of power from the local to the central tribunal was, like the other changes of this time, a further carrying out of a tendency which was at work before the Conquest. In fact, as soon as there was any central government at all, it followed as a matter of course that the common King should take to himself the place of chief judge throughout his dominions. The authority of the

Beginning of the change before the Conquest.

Judicial action of the English Kings.

[1] Select Charters, 115. "Omnes exactiones et injustitias et *meschenings*, sive per vicecomites vel per alios quoslibet male inductas, funditus exstirpo." Cf. vol. iv. p. 218, note 2.

local assemblies had been largely undermined by a system of immunities and exemptions of which we shall have to say more, and it was further broken down by the practice of sending special royal commissioners, either to displace the ancient presidents of the local courts or to act as a check upon them. The Laws of Cnut, which doubtless do not ordain anything new, but simply confirm what had become the existing practice, set forth the most ancient pleas of the Crown, those classes of offences which were specially reserved to be dealt with in the King's name. Different customs on this head had grown up in Wessex and in the Denalagu; but in both districts the recorded cases take in, besides certain offences against person and property, those matters in which the King's dignity seemed to be specially touched. Such were breach of the royal protection, and failure to appear when summoned to the *fyrd*.[1] Amongst these crimes it is to be noted that murder is not reckoned. The old Teutonic feeling about the vengeance of the kin and the *wergild* as its substitute was doubtless still too strong for the slaying of a member of the commonwealth to be as yet treated purely as an offence done against the commonwealth and its chief. But, under the Norman reigns, we find that the list of offences reserved for the King's jurisdiction, and therefore for the King's profit, was widely extended,[2] and among them one form at least of manslaying holds a prominent place. The King had the profits of all *murders;* that is, in the language of those days, he received the fines due from the hundred when a man was found slain and the slayer was not forthcoming. In the first days of the Conquest, when many Normans fell victims to the vengeance of the conquered, it had been found needful to make special pro-

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Cases reserved for the King; witness of the Laws of Cnut.

Teutonic feeling as to murder.

Extension of "pleas of the Crown" under the Normans.

Murder in the technical sense.

[1] See Laws of Cnut, ii. 12. The "gerihta þe se cyning āh ofer ealle men on West-Saxen" are defined as "mund-bryce and hâm-sôcne, forstal and flýmena-fyrmðe, and fyrd-wite." Cf. Ine's Laws, 51.

[2] See Stubbs, Const. Hist. i. 382.

CH. XXIV. Law of Englishry.

vision for the safety of the King's foreign followers.[1] Out of this grew the law of *Englishry*, one of the most singular of the immediate results of the Conquest, the law by which a man found killed was held to be a Frenchman, and the hundred was made responsible under this special law, unless evidence could be brought to show that the slain man was an Englishman. As the fusion of the two races went on, it became impossible to determine the ancestry of the slain man, and moreover his ancestry ceased to be of any consequence. Every such case now counted as *murder*, and brought in the fine to the King, unless indeed it could be shown that the slain man was one of that servile class among whom it was not likely that the blood of the conquerors should be found.[2] This enactment, one of the very few which draws a legislative distinction between Normans and Englishmen, bears its witness to the ease with which all such distinctions were wiped out; but it also shows one of the ways in which the Crown gained both power and profit at the expense of the old local courts. There can be little doubt that it was this strengthening of the hands of the Crown which enabled Henry, like his father before him, to keep that good peace in the land which was their highest title to honour. But it is only in accordance with the common law of our nature that we find our national Chroniclers at once thankful for Henry's strict administration of justice and discontented at the price which had to be paid for it.

Change as the fusion of races went on.

Pleas of the Crown tried in the local courts by

The pleas of the Crown, as we have just defined them, were, unless they were specially called up by the King's writ for a hearing elsewhere, tried in the local courts, but

[1] See vol. iv. p. 326.

[2] Dialogus de Scaccario, i. 10 (Select Charters, 193). "Ea propter pene quicunque sic hodie occisus reperitur, ut murdrum punitur, exceptis his quibus certa sunt, ut diximus, servilis conditionis indicia." See vol. i. p. 493; iv. p. 327.

tried in the King's name before the Sheriff or other officer of the King. But, besides these cases in which something is actually withdrawn from the authority of the ancient popular assemblies, we find from an early time an interference with those assemblies on the part of the King, which was in truth almost a necessary consequence of having one King over the whole land. Of all Kings who are held in honour, Ælfred, Eadgar, Cnut, we find it set down among their merits, that they either went about doing justice in their own persons, or else sent forth judges to do justice in their names. Such a course might be followed from the purest wish to discharge the highest duties of kingship, or it might be done simply to promote the interests of the King or his favourites. In either case, for good or for evil, the authority of the self-governing communities out of whose union the kingdom had grown up was weakened in favour of the authority of the central power. Our ancient records give us several examples of the way in which the King appeared by his representatives in the local courts, and how he, rightly or wrongly, interfered with their action. We have two distinct records of the action of the royal *missi* under Æthelstan.[1] So in the days of Æthelred the King's writ and seal were sent down to order justice to be done in a suit in the Scirgemót of Berkshire held on Cwichelmeshlæw.[2] So, in Cnut's day, when the Scirgemót of Herefordshire sat on Ægelnothesstan to judge between Eanwene and her son Eadwine,

CH. XXIV. the King's officers.

Royal interference with the popular courts.

Administration of justice by the King.

Consequent weakening of the local authorities.

Cases under Æthelred and Cnut.

[1] In the letter of the men of Kent to Æthelstan (Schmid, 148) they say, "Hoc incepimus, quanta diligentia potuimus, auxilio sapientum eorum quos ad nos misisti." So in his Laws, vi. 10, we read of the meeting of the Witan at Thundersfield, and how "Ælfeah Stybb and Brihtnoð Oddan sunu cômon tôgeannes þâm gemôte þæs cinges worde."

[2] Cod. Dipl. iii. 292. The bearer of the writ was Abbot Ælfhere. See vol. i. p. 360, and i. 672 (Ed. 2). But it does not appear that the King's commissioner interfered with the judgement of the court. The King simply "bæd and het þæt hí scioldon Wynflæde and Leofwine swa rihtlice gesemana swa hí æfre rihtlicost þuhte."

CH. XXIV. Tofig the Proud, the first founder of Waltham, came thither on the King's errand.[1] Both these Gemóts were great gatherings of the shires assembled under the local chiefs, Bishops, Abbots, Ealdormen, and Thegns.[2] The commissioners thus sent in the King's name answer exactly to the *missi* of the Carolingian Emperors and Kings, and it is of little consequence whether we look on their employment as actually suggested by the employment of the *missi*, or whether we hold that Germany and England were both capable of independently inventing so obvious a way of doing business. The officer who came on the King's errand might come really to see that justice was done in the local court; or he might come because the King had some special interest in the business to be done. But he did not displace the constitutional presidents of the assembly, the Bishop and the Earl. But, after the Conquest, besides the natural tendency to increase the power of the Crown in every way, those natural presidents had vanished.[3] It was only a few shires that had Earls; except the great palatinates on the border, earldoms were sinking into places of honour, and indeed of profit, but which no longer kept the duties of the old official earldoms. Both Stephen and Matilda had created a crowd of nominal Earls, who were little more than pensioners of the Crown, and who had not always any real territorial connexion with the shires from which

Action of royal commissioners.

The Assemblies lose their ancient presidents, the Bishop and the Earl.

Stephen's Earls.

[1] Cod. Dipl. iv. 54. "Tofig Prūda com ðǽr on ðæs cinges ærende." On Tofig see vol. i. p. 589. The whole account of this trial forms one of the liveliest scenes in the records of our ancient jurisprudence.

[2] In the Berkshire Gemót the Assembly, "ealle þa witan þe þær gesomnode wæron," consisted of Bishop Æthelsige (see vol. i. p. 314), Bishop Æscwig (see vol. i. p. 307), Abbot Ælfric, "and eal sio scīr." In the Herefordshire Gemót we find present Bishop Æthelstan (see vol. ii. p. 391), Ealdorman Ranig (see vol. i. p. 580, ii. p. 561), his son Eadwine (see vol. i. p. 580), divers persons by name, and "ealle þe þegnas on Herefordscīre."

[3] The Earl appears as the president in Lincolnshire, Domesday, 336 *b*, where the powers of the local court are brought out very strongly; "Si quis pro aliquo reatu exulatus fuerit a rege et a comite et ab hominibus vicecomitatus, nullus nisi rex sibi dare pacem poterit."

they took their titles.[1] The Bishop too, as Bishop, was practically, if not formally, removed from the headship of the general assembly of the shire by the ordinance which put him at the head of a distinct ecclesiastical court. The chief places in the local assemblies were thus open to be filled, no longer by the local chiefs, but by the immediate representatives of the King. The Sheriff was his ever-present officer on the spot, and there might be Commissioners, Justices, Barons, sent specially for the purpose from the King's Court. Everything tended to set aside the power of the men of the district and of the two chiefs who embodied its independent existence, and to put the power of the King and of his immediate personal representatives in its place.

The King's officers take their place.

But all this time there was not the least notion on the part of any of our Norman Kings of abolishing any of the ancient English tribunals and setting up something new in their stead. The old assemblies were carefully kept up, if only because it was found that they could be turned into means for increasing the King's profits, as well as extending his authority. Several ordinances of this time require that the assemblies shall be regularly held at the ancient times, and impose, as of old, penalties on those who failed to attend at them.[2] But the authority of these courts was

The old assemblies kept up.

Penalties for non-attendance.

[1] "Imaginarii et pseudo-comites" they are called by Robert de Monte, 1155. See Stubbs, Const. Hist. i. 362, 451.

[2] See the Ordinance of Henry (1108–1112) in Select Charters, 99; "Sciatis quod concedo et præcipio ut amodo comitatus mei et hundreda in illis locis et eisdem terminis sedeant, sicut sederunt in tempore regis Eadwardi et non aliter. Ego enim, quando voluero, faciam ea satis summonere propter mea dominica necessaria ad voluntatem meam. . . . Et volo et præcipio ut omnes de comitatu eant ad comitatus et hundreda sicut fecerunt in tempore regis Eadwardi, nec remorent propter aliquam causam pacem meam vel quietudinem, qui non sequuntur placita mea et judicia mea, sicut tunc temporis fecissent." So Domesday, 269 *b*, where "qui remanebat de siremot sine rationabili excusatione" is put on a level with some of the gravest offenders. Cf. Comp. Politics, 221, 466. For the older legislation, see Æthelstan's Laws, ii. 20.

CH. XXIV. fast passing into the hands of the King or his immediate representatives. Throughout the Norman reigns we find judges sent by the King holding the chief place in the local assemblies. Nothing can be more expressive than the phrase of the Chronicler in which he speaks of Randolf Flambard "driving" all the Gemóts throughout England.[1] And we have already heard of the doings of Ralph Basset under Henry, of his bloody Witenagemót in Leicestershire, and of some of his dealings in other matters.[2] It is plain that the custom of sending itinerant justices was in full force under Henry the First; it simply needed to be organized in a more systematic shape by Henry the Second.[3] The King thus gradually became in practice, what in the theory of lawyers he is represented as being from all eternity, the fountain of justice. But he became so, not by any eternal and inherent right, but because circumstances enabled him to undermine step by step the authority of the older popular tribunals of the land. He could now at pleasure call up causes to be heard in his own courts, often in his own presence.[4] In cases of less urgency he could send his Barons or Justices to hear them, that is, practically to decide them, in what had once been the courts of the people. The attendance of the Thegns of the shire[5] and of the reeve and the four men from each township was still enforced;[6] but the spirit of

Itinerant Justices.

The King becomes "the Fountain of Justice."

[1] Chron. Petrib. 1099. "Rannulf . . . þe ærov ealle his gemot ofer eall Engleland draf."

[2] See above, p. 159. [3] See Stubbs, Const. Hist. 391, 600 et seq.

[4] In the ordinance quoted in the last page, it is provided that causes about land between the King's barons shall be tried in the King's Court; "Et si amodo exsurgat placitum de divisione terrarum, si est inter barones meos dominicos, tractetur placitum in curia meâ, et si est inter vavassores duorum dominorum, tractetur in comitatu."

[5] See in the Laws of Henry (vii. 2) the long list of persons whose attendance was obligatory. So Stubbs, Const. Hist. 393; "barones et vavassores" represent the ancient Thegns. The "tungrevii" may not at first strike us as being simply town-reeves.

[6] Leg. Hen. vii. 7. "Si uterque [baro et dapifer ejus] necessario desit,

the ancient institution had passed away. The King's barons were now the real judges. There was no longer anything to draw either thegn or churl to an assembly where all was done by royal officers, and those officers in most cases of foreign blood and speech. It was only gradually that those who had once been judges again found a sphere marked out for them, as the functions of judges, jurors, and witnesses began to be more accurately distinguished. It was no wonder then that men strove to avoid attendance in courts which had so wholly changed their nature. It is no wonder if fines for non-attendance become a considerable item in the King's revenue,[1] or that the men of Yorkshire should, as we lately saw, be willing to buy at a heavy price a perpetual dispensation from taking any part in the administration of justice. At the time every change of this kind must have been felt as a cruel hardship, though even at the time there doubtless was in them an element of good. Things changed as the central government gradually came to be no longer looked on as an enemy. A time came when it was found that better justice was done by the King's Judges, assisted by the men of the shire in their definite character of grand and petty jurors, than could be done in the old assemblies, where each man had his place, but where the different functions of judge, juror, and witness were not accurately defined. But mark in how singular a way, in the case of one institution at least, the old system has come back again. One class of the royal *missi*, the Justices of the Peace in each shire, have been so multiplied, and their character has been so thoroughly changed, that an assembly of them is practically an assembly, not of royal officers, but of the Thegns of the shire in their local character. A court of Quarter Sessions has become an assembly whose best rule of action could

No general inducement to attend the courts.

Exemption bought by the men of Yorkshire.

The change works in the end for good.

Return to the old institutions.

Justices of the Peace.

præpositus et sacerdos et quatuor de melioribus villæ adsint pro omnibus qui nominatim non erunt ad placitum submoniti."

[1] See the cases brought together by Stubbs, Const. Hist. i. 398.

CH. XXIV. not be better described than in the words of Eanwene, when she bade the Scirgemót of Herefordshire to "do thegnly and well."[1] The shire has become an aristocratic commonwealth, ruled by an assembly not so very unlike what the gathering of the Thegns of Herefordshire must have been in the days of Cnut. No royal *missus* is there, except in so far as all the Thegns have themselves become *missi*. The Thegns alone can speak and vote, but the rest of the men of the shire may, if they think good, look on. And they now have means of influence and criticism, which, though less direct, are perhaps as effectual, as the ancient right to cry Yea or Nay. In the judicial business of the court, popular juries, grand and petty, keep up the ancient right of every freeman to have a share in the administration of justice. And the judges of the court are Thegns of the shire, men commissioned indeed by the Crown, but whom no one looks on as royal officers. Indeed, whenever a cry is raised for the transfer of their judicial powers to other hands, it is sought to transfer it to men in whom the character of royal officers shall be more prominent. The Sheriff too, once the immediate instrument of the King, the dreaded royal "exactor," has ceased to be, in any practical sense, a royal *missus*. A Thegn of the shire, for his year the first Thegn of the shire, his main business is to appear, in the name of the shire, to receive the real royal *missi* with fitting respect. The central and the local authorities have been reconciled; but this has largely been through a process by which the officers of the Crown have been practically localized. Through the stern discipline of the Henries, we have come back to the days of Cnut in a better form. The freemen of the shire, Thegns and churls alike, keep their old judicial rights under new shapes.

Grand and petty Juries.

The Sheriff.

The officers of the Crown localized.

[1] Cod. Dipl. iv. 55 (see above, p. 446). "And heð sÿððan to ðām þegnon cwæð: Dōð þegnlīce and wel."

The Commissioners of Assize.

And those who come on the King's errand, the successors of Tofig and Ralph Basset, now bring with them no suspicion that they are acting as instruments of an arbitrary will, or that the King's errand on which they have come can ever be other than the errand of the law.

Trial by Jury.

Out of this sketch of the change which the Norman Conquest wrought in the administration of justice, the old question at once starts up as to the invention or introduction of Trial by Jury. To this question, in the way in which it has often been put, it is almost answer enough to say that Trial by Jury never was invented or introduced at all. At this time of day, no one need waste his time in proving that Trial by Jury was not invented by Ælfred. And it is almost as needless to prove that it was not brought ready made in the keels of Hengest and Horsa, that it was not copied from this or that kindred institution to be found in this or that German or Scandinavian land, and that, if it was not brought over ready made by Hengest, neither was it brought over ready made by William. All notions of this kind, though they have often been maintained with much learning and much ingenuity,[1] go on a misconception of the early history of institutions. Trial by Jury, in the form in which we now see it, was certainly not invented or introduced by any particular man at any particular time. If by Trial by Jury we mean any kind of trial in which the case is decided by the oaths of men taken from among the community at large, then Trial by Jury is as old as any institution of the Teutonic race. If by Trial by Jury we mean a form of trial in which, while the royal Judge lays down the law, a sworn body of men from among the community decides all questions of fact—still more, if we understand a form of trial in which the Jurors cannot

Popular theories as to its origin.

Primitive germs of the system immemorial.

Its existing form very modern.

[1] The various theories will be found collected in Stubbs, Const. Hist. i. 612. See Appendix RR.

CH. XXIV. be called in question for any verdict which they may give—then Trial by Jury is a very modern thing indeed. In this form it cannot be said to be older than the time of Charles the Second, when Jurors were still fined for giving verdicts which were displeasing to the Judge;[1] we might almost say that it was not older than the days when Judges still claimed to decide whether a given writing were a libel.[2] The compurgators of our oldest law were not a Jury in the modern sense, but they were one of the elements out of which the Jury arose. The Jurors or sworn witnesses of the laws of Æthelstan and Eadgar[3] were not a Jury in our sense, but they too doubtless served as another element in its developement. The twelve eldest Thegns of the law of Æthelred, who swore to accuse no man falsely,[4] are exceedingly like a modern Grand Jury; but as they stand by themselves, all that we can say is that they too may have helped in the work, but that they certainly do not amount to Jury trial, as Jury trial is now understood. The inquests by *Recognitors* which we hear of from the time of the Conqueror onwards, the sworn men by whose oaths Domesday was drawn up[5] or those by whose oaths the lands of Fracenham were wrongly judged to the Crown,[6] come much more nearly to our notion of Jurors, but still they are not the thing itself. The recognitors are not judges but witnesses, witnesses declaring their verdict from their personal knowledge, while it is the essence of the modern Jury that they should not use their personal knowledge, but should give their verdict according to the evidence laid before them by others. The greatest step made at any one time in the developement of

Early approach to Jury trial; Compurgators; Sworn witnesses; the twelve Thegns of Æthelred; Recognitors. Distinction between Recognitors and modern Jurors. The Assize of Henry the Second. 1166.

[1] See the case of the trial of William Penn in 1670. Forsyth, Trial by Jury, p. 403.

[2] On Lord Mansfield's doctrine of libel, and Mr. Fox's Libel Act, see May, Const. Hist. ii. 253 et seq., 261 et seq.

[3] Æthelstan, v. 5 (Schmid, 154); Eadgar, iv. B. 3 (Schmid, 196).

[4] Æthelred, iii. 3 (Schmid, 212). [5] See vol. iv. p. 692. [6] Ib. pp. 371, 372.

the Jury system was when the practice of recognition was organized by the great Assize of Henry the Second.[1] Here we have sworn men who give a verdict, and their verdict is decisive. But they give their verdict from their own knowledge; they do not perform that special function of modern Jurors which consists in giving a verdict after weighing the evidence of others. As late as the reign of Charles the Second, the notion was not wholly got rid of that personal knowledge of the facts in dispute was rather a recommendation than a disqualification on the part of a Juror.[2] Till this notion was got rid of, the Jurors had not fully exchanged their primitive function of witnesses for their later function of judges of the witness of others. And, so long as any shred of the character of witnesses still clave to them, we can understand that they might, like other witnesses, be held to be personally responsible for their verdict, and liable to punishment if their verdict could be shown to be false or corrupt. The stages of the process by which the modern Jury grew up have been endless; the greatest landmark in the series undoubtedly belongs to the days of Henry the Second. From the time of Henry the Second we may without inaccuracy speak of Trial by Jury, if we bear in mind the points by which a Jury of his day differed from a Jury of our day. But Henry no more invented Trial by Jury, he no more brought it in from any other land, than Ælfred did. His organizing mind gave a more regular shape to the action of the popular Jurors, as it gave a more regular shape to the action of the royal Judges. But even he did not in any sense create an institution the germs of which are immemorial, but the perfect shape of which did not show itself till ages after his time.

The growth of the modern Jury gradual; the greatest step taken under Henry the Second.

Action of Henry.

[1] See the Assizes of Clarendon and Northampton in Select Charters, 137, 143; Const. Hist. i. 615. See Appendix RR.

[2] See Forsyth, Trial by Jury, p. 163.

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I hold then that it is simply meaningless to dispute whether Trial by Jury is an Old-English or a Norman institution, or to raise any other questions of that kind. It is an institution which grew up gradually out of germs common to England with other Teutonic lands. But here again the circumstances of the Norman Conquest helped to foster the growth of those native germs. Foreign Kings and foreign Judges had special need of trustworthy information as to matters both of fact and of law. As the courts became less and less the courts of the people and more and more the courts of the King, it was more and more important that the royal *missi* who had become the judges should have trustworthy evidence set before them. In an ancient popular Gemót, every man in the assembly was likely to have some knowledge of the facts either as to an alleged crime or as to a disputed possession. Every man could from that personal knowledge act as judge both of law and of fact. But King William, Bishop Odo, or Ralph Basset, needed to have a clear and truthful account of the disputed points set before them. This clear and truthful account was sought for in the oaths of the recognitors. What they swore was held to be truth; it was a verdict, but a verdict given from their own knowledge. But, as soon as that verdict was once ruled to be decisive, though they did not lose the character of witnesses, they began to put on something of the character of judges. The later history of Trial by Jury is a history of the steps by which the character of the Jurors as judges grew, and their character as witnesses died out. Even if we grant that William followed in England a system of recognition which was already in use in Normandy but which did not before exist in the same shape in England, that would not make Trial by Jury a Norman institution. The recognitors are only another form of the same principle which shows itself in the compurgators, in the *frithborh*, in every detail of the

Working of the Norman Conquest on the growth of Jury trial.

Need of trustworthy information by the new judges.

The verdict of the Recognitors.

Jurors change from witnesses into judges.

Trial by Jury not introduced from Normandy.

action of the popular courts. The Norman administrators, in the very act of lessening the power of the popular courts, were driven to make special use of a form of inquiry which sprang from the same source as those which they set aside, and which in the end, as it grew and prospered, brought back the main principle of ancient English jurisprudence in a new shape. CH. XXIV.

The ancient courts of the people were thus gradually changed into the courts of the King. But, in the working of the cycle which has played so great a part in English affairs, the courts of the King have again gradually changed into courts in which both King and people have a share, but in which King and people alike find a higher power in the Law. And, largely as the government of the realm, and the administration of justice within it, had come to be looked on as a source of income for the King, we can hardly believe that, even in the worst days of Rufus, men would have said openly that the King's pleasure and profit was the object for which they were carried on. But there was one kind of legislation, one kind of tribunal, which avowedly stood outside the common law of the land, which existed only for the King's personal pleasure, and was ruled only by his personal will. Such is the description which a writer of the days of Henry the Second, high in office and in the royal trust, gives of the legislation of the forests and of the courts by which it was enforced.[1] A royal forest, that is a greater or smaller extent of waste land inhabited by beasts of chase, was in itself nothing new.

Exceptional character of the Forest Laws.

Nature of the Forests.

[1] Dialogus de Scaccario, i. 11 (Select Charters, 197). "Sane forestarum ratio, pœna quoque vel absolutio delinquentium in eas, sive pecuniaria fuerit sive corporalis, seorsum ab aliis regni judiciis secernitur, et solius regis arbitrio vel cujuslibet familiaris ad hoc specialiter deputati subjicitur. Legibus quidem propriis subsistit; quas non communi regni jure, sed voluntaria principum institutione subnixas dicunt; adeo ut quod per legem ejus factum fuerit, non justum absolute, sed justum secundum legem forestæ dicatur. In forestis etiam penetralia regum sunt, et eorum maximæ deliciæ."

CH. XXIV. Their origin.

In days when the old system of Teutonic occupation was still undisturbed, it was natural that each community should have part of its folkland in the form of a common forest as well as in that of common meadow. The forest was not simply a place for hunting the wild deer; its wooded parts supplied pasture for swine,[1] and wood alike for fuel and for building. Rights of this kind are usual wherever communities retain their common land, and such rights, rights of pasture, of hunting, of fishing, of cutting timber, are granted by countless ancient charters.[2] As the folkland passed more and more into the hands of the King, the forests, so rich in materials both for sport and for profit, came gradually to be looked on as the King's special possession. How far they had, in the days before the Conquest, become lands apart from the shire and the hundred is not at all clear. I have already said that I can put no faith in the Code of Forest Laws which bears the name of Cnut.[3] Every time that I look at that document, I feel more convinced that, as it stands, it is the work of a later age. It is most likely a forgery of one of the Norman reigns, of no time so likely as the reign of Henry the First. It was doubtless designed to employ the venerated name of the great Dane to shelter the legislation against which men cried out. But the genuine laws of Cnut make it plain that in his day there already were royal hunting-grounds, all encroachments on which were forbidden, and the memorable declaration that every man might hunt on his own ground might possibly be taken as a sign that that right had already been called in question.[4] Of the services which had to be rendered to the royal hunting in the days of Eadward I have

Communal and personal rights in the Forests.

The alleged Forest Laws of Cnut.

His genuine legislation.

[1] A "wood of so many pigs" is an entry which is found in almost every page of Domesday.

[2] See a number of such instances collected by Kemble, Saxons in England, 284.

[3] See vol. i. p. 482.

[4] Ib.

already spoken,[1] and we find in Domesday a special class of royal huntsmen, who seem to have all been Englishmen, and to have all passed into the service of William.[2] If we take the so-called code of Cnut as a witness to the state of the law under Henry and his two predecessors, it would certainly show that the officers of the royal forests formed a distinct class exempt from the ordinary local jurisdiction. It will be remembered that Henry, in promising to reform all other abuses, declared his determination to keep the forests in his own hands, as his father had done.[3] The practice of Henry the First in this matter is thus carried back to the days of the Conqueror, and what the practice of Henry the First was we learn from the Assize of Henry the Second. It is an arbitrary code, setting up a separate and arbitrary jurisdiction within certain districts, a jurisdiction which over-rode all ordinary rights of property, rank, office, and calling. It was a jurisdiction fenced in by heavy penalties denounced against man and beast.[4] Still it was a jurisdiction; it had a system of law, with courts to administer it. It was therefore not without a popular element, an element which may have been preserved from the times before the forests were cut off from the body of the shires and hundreds, or which may have crept in in after times, in imitation of other jurisdictions. Certain it is that, within the forest jurisdictions, some of the old forms of the ancient courts have gone on with less change than they did in the country in general. It is not inappropriate that the scholar to whom English history owes more than to any other should be able to report that the reeve and four men of our earliest laws still come together in the forest courts of the district of his own birth.[5]

Eadward's huntsmen pass into William's service.

The Forests under Henry the First.

Henry the Second's Assize of the Forest. 1184.

Popular element in the Forest Courts.

[1] See vol. iv. p. 609. [2] On the "Venatores," see Ellis, Domesday, i. 110.

[3] See above, p. 168. [4] See above, p. 163.

[5] See Stubbs, Const. Hist. i. 107, where the customs of the courts of the

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This last example is a striking proof of the abiding character of ancient English custom. It shows how it, as it were, seized upon and made its own those very institutions of the stranger which were most novel and most hateful. The Old-English law, never formally abolished, but merely modified under the circumstances of foreign rule, often disguised under a show of foreign names and foreign laws, still lived on, ready at any moment to show itself again in some new shape, and to turn the very evils and wrongs of the foreign rule to its own behoof. The centralized despotism of the Norman Kings failed to root out the ancient popular jurisprudence of England. For a while despotism made use of freedom as its instrument. Gradually, by a silent change, freedom learned to turn despotism itself to its own purposes. We see, at every turn of our story, how foreign tyranny worked in the end for the establishment of native freedom. Nowhere do we see this more clearly than in the administration of justice. Our ancient popular courts, as they became unsuited for the requirements of a more advanced state of society, might, like the popular courts of other lands, have died out before courts in which the King's judges were all in all, unchecked by any popular element in any shape. As it was, the intrusion of the King's judges into the popular courts really preserved the popular element, by causing it to take a new form, one better suited than the ancient one for the needs of later times. So it is in all things; we have advanced by going back, but it was the momentary check of the foreign rule which has enabled us to go back. Step by step we have thrown off the yoke; but we have been able to throw off the yoke only because the yoke was there to be thrown off. And it is the process of throwing off a yoke which ever makes freedom surest.

Adaptation of foreign customs by English law.

The popular element in the courts preserved by the Norman innovations.

forest of Knaresborough are referred to as among the best illustrations of early customs still remaining.

Had there never been a time of foreign tyranny, our liberties might have crumbled away without our knowing it. It was the foreign tyranny which taught us to know them, to love them, to win them back in more lasting forms. The English people learned to use and to know its own strength, in the process, first of supporting a foreign King against foreign barons, and then of supporting foreign barons against a foreign King. By so doing it turned both the foreign King and the foreign barons into Englishmen, or rather it washed away the foreign varnish which the Northern followers of Rolf and Harold Blaatand had put on during their sojourn on Gaulish soil. But for the process of foreign conquest, we might have seen, as other lands did, our native Kings growing into despots, our native Thegnhood growing into such a nobility as has been the curse of continental lands. It was not in vain that our forefathers called for the laws of Eadward; we have won them back, and more than won them back. But with regard to the last subject of which we spoke, we might wish to go back even beyond the laws of Eadward and the laws of Cnut. We have hardly gone back to the stage of Cnut's legislation, as long as the faintest trace of the forest law survives in the feeblest shadow of its "bastard slip."[1] We at least lag far behind the wisdom of the code of Rome, which, from the principle that animals *feræ naturæ* could be the property of no man, did not make the strange deduction that the exclusive privilege of slaying them should be fenced in by sanctions sterner than those by which property is fenced in.[2] Or rather, in a fully civilized

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Roman and English legislation on animals "*feræ naturæ.*"

[1] See above, p. 164.

[2] Starting from the principle that animals "feræ naturæ" belong to no one, the Roman Law draws the natural inference that any one may take them, subject doubtless to the consequences of the ordinary law of trespass, in case of any intrusion on another man's land. English law, starting from the same principle, does not venture to make the wild animals the property of any man, but it sets up a system of special regulations to preserve for the benefit of particular men something which is not their property.

CH. XXIV. time, the once rightful objects of forests and of hunting have passed away. In a time when it is acknowledged that the lower animals have a right to protection against the cruelty of man, we should do well to legislate more in an English and less in a Norman spirit; we should do well to undo the evil deeds of those who still, like the Conqueror, delight to turn the dwelling-places of man into a wilderness; while we so carefully legislate to stop the brutal pleasures of the poor who have simply to obey the law, we should no longer spare the no less brutal pleasures of the rich by whom the law is made.

§ 5. *Local and Social Effects of the Conquest.*

Some of the changes which have been spoken of in the last section lead us directly to certain local and social changes which have left their mark upon England ever since. The great change which was going on in the kingdom, the change which had begun before the Conquest, but which the Conquest hastened and completed, was carried on on a smaller scale in every corner of the land. The process which has been called the feudalization of Europe,[1] the process which, in the case of the kingdom, changed the elective chief of the people into the hereditary lord of the land, was going on at the same time in every manor in England. The word *manor* is in itself one of the most distinct foreign importations in our whole story. It is not only a foreign word, but there is not, as there is in the case of most of the foreign words which came in along with it, any English word which it can be said exactly to translate.[2] And yet, as in other cases, the thing was not absolutely new; it was again the hastening and completing of tendencies which were already at work. In the dreams of lawyers, as there has been an hereditary King from all

Feudalization, national and local.

The word *manor* purely foreign.

Origin of manors. Lawyers'

[1] See Maine, Village Communities, Lecture the Fifth, and Early History of Institutions, p. 85.

[2] See above, p. 412.

eternity, so there has been an hereditary lord of the manor from a time only so far short of eternity as to give the King time to make him a grant. In the realities of history, the King and the lord, that is the lord on a great scale and the lord on a small one, are each something which has crept in unawares, something which has grown up at the expense of rights more ancient than its own. Each alike, King and lord, grew to his full dimensions by a series of gradual and stealthy encroachments on the rights of the people. As the King swallowed up the powers and the possessions of the nation, so the lord swallowed up the rights and the possessions of the *mark*. Through the happy accidents of our history, the usurper of the rights of the nation has been changed into an instrument of the will of the nation; the usurper of the rights of the mark, for whom no such use could be found, has gradually sunk into a shadow. He is now known only when some vexatious privilege is called up out of oblivion, to show that the parts of Lucius Opimius and Caius Gracchus are parts which may be played over again in any time or place.

CH. XXIV. theory on the subject. Growth of the King and of the local lord. Change in their character and position.

The general order of the changes by which the old self-governing communities changed into local principalities have been treated of by several great scholars, German and English.[1] There can be little doubt that, besides the general causes which helped on all such changes, whether on a great or on a small scale, one special instrument of the change was the growth of that system of immunities or exemptions from the ordinary local jurisdiction which gradually grew up both in England and on the continent.[2]

Grants of immunities or exemptions.

[1] See, above all, the works of G. L. von Maurer, Einleitung zur Geschichte der Mark- Hof- Dorf- und Stadt-verfassung und der öffentlichen Gewalt (München, 1854), and the larger works which followed it, beginning with the Geschichte der Markenverfassung in Deutschland (Erlangen, 1856). The subject is also constantly recurring in the works of Professor Stubbs and Sir Henry Maine.

[2] See the heading "Emunität" in Maurer, Einleitung, 239.

CH. XXIV. *Sac* and *soc.*

Every grant of *sac* and *soc* to an ecclesiastical corporation or to a private man established a separate jurisdiction, cut off from the regular authorities of the mark, the hundred, the shire, and the kingdom.[1] A power was thus set up which had strong tendencies to grow, one which largely helped in the process by which the smallest self-governing unit, whether we call it the mark, the village community, the *gemeinde*, or the *commune*, has in this country been gradually lost in the ecclesiastical parish and the territorial manor. The parish and the manor are in truth the ancient mark, changed into new shapes, according to ecclesiastical and according to territorial ideas. Where, as in the Celtic parts of the British islands, the old constitution of the *gens* or clan went on longer than it did among ourselves,[2] we can see the actual process by which, under the influence of an alien jurisprudence, the chief of the clan changed into the lord of the soil. The land of the clan was held to be the land of the chief, and the body of the clansmen, in truth his fellow-owners, came to be looked on as tenants holding of him.[3] In England, where the gentile system died out so much sooner, our earliest glimpses of territorial lords set them before us as holding their lands and jurisdictions by grants from the King, grants of course confirmed by the assent of his Witan. And we can see from Domesday that, by the time of the Conquest, the encroachments which had been made on the primitive system must have reached no small growth. The form in which Domesday is drawn up assumes the territorial lordship as a rule. The Commissioners must have found something at work so nearly akin to the Norman *manor* that they called it by the same name. Each manor is set down as held by a certain lord, of whom the land is held in different ways by tenants of every class, from men of

Change of the village community into the parish and the manor.

The *gens* or clan; the chief turns into the landlord.

Earliest grants to private lords.

Encroachments on the primitive system before the Conquest.

Witness of Domesday.

[1] See Stubbs, Const. Hist. 184, 399.

[2] See Comparative Politics, 103, 117, 394.

[3] See Macaulay, iii. 315.

his own rank down to personal slaves. The smaller King's Thegns and others holding of no lord but the King, though a very numerous, are an exceptional class, and the mention of lands actually held by communities is very rare.[1] Actual common lands, the remains of the most ancient form of property, must, as is shown by the large traces of them that still exist, have been far more usual than the entries in Domesday would lead us to think. But the tendency of the Norman Commissioners, just like the tendency of later lawyers, would be to look on these vestiges of possession older than the lord's right as something which the commoners held by the lord's grant. The exact stages it is impossible to trace; but we can hardly doubt that, even before the Norman Conquest, the encroachments of the territorial lords had not been small, and that the change from an English to a Norman lord still further strengthened the hands of the lord against the community. Then too, lawyers and administrators alike would naturally look at everything with feudal eyes. The lord's property and the lord's powers were in truth something exceptional, something cut off from the possessions and powers of the community. But they would look on everything that was left either to the community or to smaller land-owners as something exceptional, as something cut off from the possessions and rights of the lord, either by his own grant, or by some special privilege of the Crown. The common practice of commendation no doubt largely helped in this work, and it seems certain that the nature of the process was misunderstood in Norman eyes. In the older theory, the process of commendation, the seeking of a lord, is a purely voluntary act, a mutual engage-

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Cases of common lands.

The Conquest strengthens the lords against the communities.

The true state of the case reversed in the lawyers' theory.

The nature of Commendation misunderstood by the Normans.

[1] We have seen some examples in the cases of boroughs, as in the case of Cambridge, vol. iv. p. 223. There is a case of a rural community holding common land at Goldington in Bedfordshire, 213 *b*; "Hanc terram tenuerunt homines villæ communiter, et vendere potuerunt."

CH. XXIV. ment between the lord and his man. But it is plain that, by the time that Domesday was drawn up, commendation had come to be looked on as a right of the lord over the man, as a kind of property which could be handed over to another at the lord's will.[1] We may fully believe that, between 1067 and 1085, greater changes had been made to the behoof of the territorial lords than were ever made in the same number of years before or since. But such changes could not have been made so quickly and so thoroughly, unless there had been changes earlier than 1067 of which these greater changes were only the further carrying out.

Effects of the reign of William.

The manor then is a thing which has grown up by the process of which we have seen so many instances, by the growth of one side of an institution, by the growth of that side of it which best fitted in with the new ideas which became dominant after the Conquest. But, though the lord gradually crept into the place of the community, some of the ancient institutions of the community survived. Of the court-leet and court-baron, the later name has the more Norman and feudal sound. But it is really the court-baron which represents the ancient assembly of the mark, while the court-leet represents the lord's jurisdiction of *sac* and *soc*, whether granted before or since the coming of William.[2] Nor does the machinery of the court seem to have been greatly altered by the mere fact that it was held in the name of the lord and not in the name of the community. In fact, strangely enough, it is in these manorial courts, whether they are in private hands or whether the manors for which they are held form part of the ancient demesne of the Crown, that the most curious relics of early procedure are still to be found.[3] The right of *sac* and *soc*

Traces of the older system remain.

Courts-leet and courts-baron.

The court-baron represents the old Assembly.

[1] See Appendix SS.

[2] See Stubbs, Const. Hist. i. 399. Is "baron" here to be taken in the primitive sense of "man?"

[3] See above, p. 457.

was terrible enough in the days of Stephen, when there were as many Kings as there were lords of castles; but, in ordinary times, the courts of the lord, exercising their jurisdiction according to the custom of the manor and not according to the lord's arbitrary will, soon became harmless enough. But the whole tendency of the Norman reigns was to multiply all those kinds of private and separate jurisdictions which had already begun to show themselves. Honours—that is manors on a larger scale[1]—liberties, hundreds in private hands, all helped in the gradual work of undermining the ancient local jurisdictions. Where they now survive at all, they survive rather as curiosities than as institutions having any practical working. The ancient *scirgemót* was still called into being at every county election, as long as open nomination of candidates remained the law. The ballot alone would in no way have affected it; but private written nominations have given it its death-blow. And, even before that change, the name of the ancient assembly had been strangely transferred to a wholly modern tribunal. It had become the name of a tribunal as unlike as possible to anything in our ancient law, a county court where justice is administered by a single royal judge, and where the jury itself is optional and exceptional.

Working of the lord's court.

Separate jurisdictions multiplied under the Norman reigns.

The ancient and modern County Court.

But while, on one side, the elder popular rights died away before the growth of separate and exceptional jurisdictions in the hands of particular men, on the other hand, popular freedom grew with the growth of separate and exceptional jurisdictions of another kind. The English town, the English *port* or borough, is a thing wholly of English growth, and nothing can be more vain than the attempts of ingenious men to trace up the origin of English municipalities to a Roman source.[2] It has been said

The English towns of purely English origin.

[1] See Stubbs, Const. Hist. 401; Gneist, Englische Verwaltungsrecht, i. 139.

[2] See Appendix TT.

CH. XXIV. mockingly, with more than one meaning, that the present capital of England is a province covered with houses. If we put some other word instead of the word *province*, a word meaningless in England except in its ecclesiastical sense, this is really no bad description of the growth of an English borough. It was not, like an ancient Greek or Roman, like a mediæval Italian or Provençal city, the centre of the whole civil life of its district. It was simply one part of the district, in which men lived closer together than elsewhere; it was simply several townships packed tightly together, a hundred smaller in extent and thicker in population than other hundreds.[1] As we see in Domesday, the several towns had their several customs, as shires and divisions of shires had.[2] And the marks or townships which had come together in the shape of boroughs had been more lucky than those in the open country, in being better able to keep the common land which in many cases they still keep to this day. But it is only in a few of the greatest towns that we can see at the time of the Conquest anything like a real municipal constitution; and in some of those of which we have the fullest accounts, the municipal constitution is rather aristocratic than democratic. The hereditary Lawmen of Lincoln had in them, as I have said long ago,[3] all the elements of the ruling class in an aristocratic commonwealth. But alongside of the Lawmen, whom we may look on strictly as civic magistrates, we have seen the great men of the kingdom also holding their personal jurisdictions within the city walls.[4] An English town was, in short, a collection of every class of inhabitants, of every kind of authority, which could be found in the whole land, all brought close together. Lords

Difference between English and continental towns.

The English borough follows the analogy of the shire and the hundred.

Common land.

Real municipalities rare at the Conquest, and often aristocratic.

Lincoln.

All political and social elements brought together in the towns.

[1] See Stubbs, Const. Hist. i. 92, 403.

[2] The customs of the shires are given in Domesday under each shire. For special customs in a district less than a shire, see vol. ii. p. 388.

[3] See vol. iv. p. 208.

[4] See vol. iv. p. 214.

with their *sac* and *soc*, churches with their property and privileges, gilds—that is, artificial families—with their property, their usages, their religious rites,[1] thegns and churls in the language of one age, barons and villains in the language of another, merchants, churchmen, monks, all the elements of English society, were to be seen side by side in a small compass. The various classes thus brought together were united by neighbourhood, by common interests, by common property, customs, and privileges; but they did not yet show any peculiarities of tenure; they were not yet fused together into a single corporate body. The greatness of London is witnessed by the special legislation of which it is made the subject in the days of Æthelstan and in the days of Æthelred.[2] But those ancient laws, while they provide for the privileges and good order of the city, while they recognize various customs and institutions which had grown up in it, do not set before us even so near an approach to an organized municipal constitution as we see at Lincoln and elsewhere. The share taken by the citizens in the election of Kings does not necessarily imply any special municipal organization. The citizens, as being on the spot, could exercise the right which belonged to them in common with all the freemen of the land, just as in some other cases we find armies acting in the same way, simply because they also were on the spot.[3] The famous charter of William confirms the customs of the city as to the succession of land, but it points to no special civic constitution. It is addressed to the Bishop and the Portreeve, as a writ in a shire was addressed to the Bishop and the Shire-reeve.[4] But under Henry the First we see signs of great advances, owing perhaps to that influx of Norman and other foreign citizens which is

CH. XXIV.

London,

not yet an organized municipality.

Charter of William;

of Henry the First.

[1] On Gilds, see Toulmin Smith's English Gilds, and Appendix TT.

[2] See vol. i. p. 309.

[3] See vol. iii. p. 547.

[4] See the charter in vol. iv. p. 29.

CH. XXIV. witnessed by William's own charter. In Henry's charter to London we find the ancient rights, privileges, and customs of the city confirmed. Churches, barons, citizens, are confirmed in their rights and jurisdictions, the ancient assemblies, husting, folk-motes, ward-motes, are to be kept up, and the law of the city is to be followed by the King himself in all cases touching the succession of land within the city. But, more than this, the men of London are not to be summoned in any cause beyond their own bounds; they are to have a Sheriff and a Justiciar of their own choosing. And, more even than this, the city, like many another city in Greece, Italy, and Germany, has its subject district. London, like Sparta or Bern, has her περίοικοι, her *Unterthanen*. The shire of Middlesex is let to the men of London and their heirs, to be held in farm of the King and his heirs.[1] And to this day Middlesex keeps its character of a subject district. It has neither a Sheriff chosen by the men of the shire nor yet one appointed by the common sovereign. The subject shire has to submit to the authority of the Sheriffs chosen by the ruling city. Still, even in London, among such great privileges and powers, we see nothing that can be called a municipal constitution. The phrase about heirs may not quite exclude the notion of corporate succession,[2] but it is hardly the phrase which would have been chosen as suggestive of it. Later in the reign of Henry, some change or breach of the charter must have taken place, as we find the citizens making a fresh payment for the right to choose their own Sheriff.[3] And here

Middlesex περιοικίς of London.

Notices of London later in Henry's reign. 1130.

[1] See the charter in Select Charters, 103. "Sciatis me concessisse civibus meis Londoniarum, tenendum Middlesex ad firmam pro ccc. libris ad compotum, ipsis et hæredibus suis, de me et hæredibus meis, ita quod ipsi cives ponent vicecomitem qualem voluerint de se ipsis, et justitiarium qualem voluerint de seipsis, ad custodiendum placita coronæ meæ et eadem placitanda, et nullus alius erit justitiarius super ipsos homines Londoniarum."

[2] See vol. iii. p. 682.

[3] See Stubbs, Const. Hist. i. 406. On the growth of London and the other towns, see Green, Short History of the English People, 89.

we get a most interesting note of time. We see by an incidental phrase that what the days of King Eadward were to the kingdom at large, the days of King Eadward's last Portreeve were to the city over which he ruled. As lands and privileges were elsewhere to be held as they had been in the days of Eadward, in London they were to be held as they had been in the days of Leofstan.[1] In the civil war of Stephen and Matilda we have seen the citizens, by their title of barons, share, as of old, in the election and deposition of Kings;[2] and, what is just now more important, we now first hear the famous name *communio* or *commune*.[3] It is perhaps not used with strict legal preciseness, but it is at any rate a witness of a tendency towards closer organization as an united body. At last, among the changes and troubles of the last years of the twelfth and beginning of the thirteenth century, the *commune* of London comes forth into full light under a Mayor of its own choosing.[4] Presently, among the barons who were named to carry out the Great Charter, the Mayor of London has his place.[5] In all the struggles of the thirteenth century, London is ever foremost in the cause of freedom. And when the nobles, clergy, and people of England put forth their famous letter denouncing the wrongs which England suffered at the hands of the

Portreeveship of Leofstan a note of time.

First mention of the *commune*. 1140.

The Mayor.

1215.

London in the thirteenth century.

1247.

[1] In the writ of Henry the First, by which the lands of the English Cnihtenagild (see Appendix TT.) are granted to the Priory of the Holy Trinity (Fœdera, i. 11), a writ addressed "Vicecomitibus et baronibus London'," the lands are to be held "sicut antecessores eorum unquam liberius tenuerunt, tempore patris mei et fratris mei, et tempore Leostani." This answers to "tempore regis Eadwardi" in the writ on the same subject just before. Leofstan (on whom see Cod. Dipl. iv. 213, 214, and vol. iv. p. 30) had two sons, one of whom, according to the general rule, bore the Norman name of Robert. See Stubbs, Const. Hist. i. 406. It is therefore unlikely that he died at Senlac, as I once thought.

[2] See above, pp. 245, 305.

[3] See above, p. 305.

[4] Stubbs, Const. Hist. i. 630. The first Mayor, Henry Fitz-Alwin, whether we take the latter name to be a male Ælfwine or a female Ælfwyn, is again a case of the Englishman disguised under a Norman name.

[5] See the list of the barons in Select Charters, 298, where "Major de Lundoniis" comes about the middle.

CH. XXIV. Roman Bishop, it was with the seal of the city of London, as the centre of the national life, that the national protest was signed.[1]

I can hardly be called on to go at length through all those changes in the history of English municipal institutions whose beginnings may be traced up to this time. But one or two special points may be noticed. The oldest privileges of the English towns are immemorial; they are part of the common heritage of the nation. The customs of a town were no more the grant of anybody than were the customs of a shire or a hundred. The town was, as I have said, simply a district which got to itself a special character and special customs from the fact that its inhabitants lived closer together, and had their dwellings better fenced in, than the inhabitants of other districts. The origin of our most ancient towns is shrouded in utter darkness. All that we can say is that, if London and York, Colchester and Lincoln, were—a point which I would not take upon me to determine—continuously inhabited from Roman times, they had no political succession from Roman times.[2] Whenever it was that the first Englishmen settled within the Roman walls, their settlement was of exactly the same kind as the settlements of their brethren in the open lands around them. These great and historic cities have no founder, except so far as the founders of the English nation were their founders. But presently a new class of towns arises, which are the natural forerunners of the towns which arose in the Norman period. When Ine founded Taunton as a bulwark against the West-Welsh,[3] when the Lady of the Mercians called the City of the Legions into a new life and a crowd of other

Customs of the English towns immemorial.

No succession from Roman municipalities.

A later class of towns strictly founded.

Taunton by Ine, 710–722; Chester by Æthelflæd, 907.

[1] See Matthew Paris, 721 (Wats); Growth of English Constitution, 81, 188.

[2] See Appendix TT.

[3] I have spoken at large on this matter in the Proceedings of the Somersetshire Archæological and Natural History Society for 1872, pp. 45, 51.

Mid-English towns into their first life, they were distinctly founders with the rights of founders. The customs and privileges of the towns which they founded might fairly be said to be their grant. The later history of such towns differed in different cases. Taunton became a mere episcopal manor; Warwick and Chester grew into independent and powerful boroughs. Still the rights and customs of such boroughs as these were not immemorial, and their existence, alongside of the growing power of the King and of other lords, helped to foster the idea that all towns were the towns of some lord, and that their rights needed a grant or confirmation by his charter. Thus, as we have seen, charters were granted to London itself, and in after times to York, Lincoln, and other immemorial cities. In the charters to Lincoln we find the confirmation of the gild-merchant, the grant of elective rights, but all signs of the Danish patriciate, the ancient Lawmen, have vanished. Nay, among the many and strange sources of income which found their way into the hoard of the Lion of Justice, we find the burghers of Lincoln paying two hundred marks of silver and four marks of gold that they might hold their city in chief of the King.[1]

CH. XXIV.

Charters granted to the immemorial towns.

Later constitution of Lincoln.

Payments to Henry the First. 1130.

The next stage was when, after these patterns, a crowd of towns arose whose privileges really were the grants of the King, Bishop, Abbot, or other lord on whose lands they arose. A collection of houses grew up on the manor of some lord or prelate, or at the gate of some castle or monastery. The settlement grew into a town, and, as the town increased in importance, it received a charter of privileges from its lord. Sometimes the privilege might not go beyond the grant of a market. In other cases, where the burghers were pushing, and the lords, especially the

Towns with franchises really granted by a lord.

[1] Rot. Pip. Hen. I. 114. "Burgenses Lincoliæ reddunt compotum de cc. marcis argenti et iiij. marcis auri ut teneant civitatem de rege in capite."

CH. XXIV. Growth of ecclesiastical towns.

ecclesiastical lords, were weak, the town grew into the full likeness of an immemorial city. The growth of some of these ecclesiastical towns at the expense of their ecclesiastical lords forms one of the most interesting branches of study for the purely municipal historian. I am concerned with them only in so far as they began to arise within the Norman period, and in so far as the form which they took was an avowed imitation of the great immemorial cities. Archbishop Thurstan's charter grants as a gift to his burgesses of Beverley the same rights and liberties which the citizens of York held of immemorial right.[1] The men of York had their Hanse-house; the men of Beverley should have their Hanse-house too. The name has died out among ourselves, but it still lives among the cities of the Saxon mainland. To their citizens the last modern changes have again given a right to claim the privileges which in ancient days were granted to them in the English havens. They are again the men of the Emperor who come in their ships, and are worthy of good laws even as we ourselves.[2]

Thurstan's grant to Beverley. 1119–1140.

The Hansa.

Growth of the towns strengthened by the Conquest.

There can thus be no doubt that the growth of the towns in England, and thereby the growth of one form of freedom, was greatly strengthened by the effects of the Conquest. The Norman settlers in the English boroughs brought with them those ideas of more complete municipal independence which were springing up afresh in the lands where the old Roman traditions had never quite died out.

Spirit of corporate separation.

And moreover the independence of towns was one form, and by far the best form, of that spirit of separation and isolation which was so characteristic of the time. The separate privileges and separate jurisdictions claimed by

[1] See the charter in Select Charters, 105. Professor Stubbs remarks that the *Hanshus* of the North is the *Gildhall* of the South. The Archbishop grants the charter "consilio capituli Eboracensis et Beverlacensis et consilio meorum baronum."

[2] See vol. i. p. 311.

the boroughs were really forms of the same tendency which everywhere tried to put some special and exceptional jurisdiction in the place of the regular authorities of Church and State. It was the same spirit which made every lord a petty prince in his own manor, which led monasteries to throw off the authority of their Bishops, and which thus turned every shire and every diocese into a confused assemblage of separate and exempt jurisdictions. We are dealing with days in which it has been well said that liberty meant privilege, when every local or professional collection of men thought more of the privileges of their own district or order than of the general well-being of the commonwealth. In most cases privileges of this kind, whatever they were in the beginning, have proved mischievous in the long run. In the towns alone the working of things has been different. A privileged town might keep itself selfishly isolated from the country around it; its internal constitution might shrink up into an oligarchy; but in the worst case it still cherished elements of law, freedom, and order which could not fail to tend to the general well-being of the nation. And in England the circumstances of the country hindered the municipal developement from being carried too far. Under the strong power of the Crown, as it was established by the Norman Kings, English boroughs had no chance of growing into free Imperial cities. And the way in which the English towns grew up helped, among other causes, to hinder them from becoming, as they became in France, the only dwelling-places of freedom. They were not, like the towns on the mainland, something distinct from the country around, often lording it over the country around; they were simply settlements among other settlements whose circumstances caused them to take a somewhat different shape from their neighbours. In England the shires and the towns, springing as they had done from

CH. XXIV.

Privileges and exemptions.

Good working of this system in the towns.

Causes which kept back the municipal developement in England.

Municipal freedom not the only freedom in England.

CH. XXIV. Comparison with the continent.

a common origin, could never become so utterly separated from each other as they did in lands where the cities had once been colonies of Roman or Latin citizens in the midst of conquered provincials. Had the towns been much weaker, they might have been unable to play the part which they did play in winning the general freedom of the nation. Had they been much stronger, they might simply have won their own freedom and have kept it wholly to themselves.

Common growth of the towns and the rest of the nation.

The way in which the English towns grew up had also another result. The population of the towns had, in the elder state of things, been formed out of the same elements as the rest of the nation, and it remained so in the newer state of things. A new element indeed came in with the Conquest; but it was an element which did not touch either town or country exclusively, but touched both in much the same degree. The King's men, French and English, were to be found within the walls of the borough, just as much as without them. There was therefore less opportunity than in other lands for the formation of a special burgher class. An English town contained men of all classes, just as an English hundred did. Before the Conquest, a Northumbrian Earl married the daughter of a citizen of York.[1] After the Conquest, a great Norman land-owner took his place among the Lawmen of Lincoln.[2] The town was not a mere collection of traders, and moreover, in the days with which we are concerned, both before and after the Conquest, we see no signs of any contempt for trade. By Old-English law the prosperous merchant could claim Thegn's rank of right,[3] and by the Truce of God, the merchant, the minister of peaceful intercourse between different

No special burgher class.

Trade not despised.

[1] See vol. i. p. 359.

[2] See vol. iv. p. 213.

[3] See the Laws, "Be leod-gebincðum and Lage," 6, (Schmid, 390). "And gif massere geþeâh, þæt hé ferde þrige ofer wid sæ be his âgenum cræfte, se wæs þonne syððan þegen-rihtes weorðe."

lands, was clothed with something like a sacred character.[1] Contempt for the trader was the feeling of a somewhat later time. It was the feeling of the days of chivalry and its accompanying follies; and, in England at least, in the land where the ducal house of Suffolk rose from among the traders of Kingston-upon-Hull, the feeling was neither very lasting nor at any time very deep.

CH. XXIV. Contempt for trade a later feeling.

This last line of thought leads us to the question of the effect of the Conquest on the different classes of society in England, and especially on the relations between the two races, Norman and English. I must again repeat that the dream of romances and romantic historians, which sets before us a picture of lasting and conscious separation between Normans and Englishmen, has no foundation in authentic history. To go no further, not a sign of it is to be seen in the vast mass of letters which has gathered round the great controversy between King and Primate in the days of Henry the Second, while the fact of any such distinction is denied in so many words by an important and experienced official of the same reign.[2] No law, no custom even, drew any hard and fast line between the two races. Notwithstanding all the rhetoric of Henry of Huntingdon[3] and of a crowd of modern writers, it would be hard to find any man born in England by whom the name of Englishman is used as a name of contempt.[4] The social relations of the country were left, like everything else, to settle themselves by force of circumstances. The higher the rank of any class of men,

Social effects of the Conquest.

No broad line between Normans and English.

No ancient evidence for the popular notion.

[1] See the Truce as renewed in 1095, Ord. Vit. 721 C. "Mercatores" are among the protected classes.

[2] See the well-known extract from the Dialogus de Scaccario, quoted in vol. iv. p. 327.

[3] See vol. iii. p. 505.

[4] William Rufus and Bishop William of Longchamp, whose sayings on this head will be found in Appendix W., were not born in England.

CH. XXIV. the greater would be the proportion of Norman, and the smaller the proportion of Old-English, blood among them. But whatever distinction was drawn soon became a distinction of rank and not of race. That the result of the Norman Conquest was the social thrusting down of the great mass of Englishmen there can be no doubt, but it was not directly as Englishmen that they were thrust down. And one class, the most unhappy of all, undoubtedly gained. Speaking generally, we may say that every class above the lowest sank a step, but that the lowest class of all rose a step. Earls, thegns, churls, all lost; the personal slave gained. We have already seen that, before the Conquest, many causes were tending to lower the position of the churl or the simple freeman. In the days of King Eadward he was clearly in a different and a worse position from that which he had held in the old days of the free Teutonic community. Every man now had his lord, and the tendency was for the rights of the lord to grow at the expense of the rights of the man. And this tendency was, like every other tendency of the kind, strengthened and hastened by the Conquest. Domesday still sets before us a most minute scale of classes among the actual occupiers of land, from the absolutely free landowner who could go where he would with his land—that is, could commend himself to what lord he thought good—down to the personal slave who could be sold in the market or shipped off for Ireland. Of the minute distinctions between *bordarii*, *cotarii*, and the like I shall speak elsewhere.[1] But one thing is plain, that, throughout the Survey, *villanus* is meant to translate *ceorl*. Now the Latin word must, like the English word, be looked at without any of the later associations which gathered round it. There is nothing in the mere word *villanus* which implies villainage in the later legal sense, any more than there

Other classes thrust down, but the slaves rise.

The churl had sunk before the Conquest.

Witness of Domesday.

Classes in Domesday.

Villanus translates *ceorl*;

use of the word;

[1] See Appendix UU.

is anything in it which implies villany in the later moral sense. The *villanus* or *ceorl* is still distinguished from the *servus* or *theow*. But the tendency of the Conquest clearly was to confound the two classes together, to thrust down the *ceorl* and to raise the *theow* to the intermediate state of the later *villanus*, *rusticus*, or *nativus*. The *ceorl* is the villain *regardant* of the lawyers; the *theow* is the villain *in gross*.[1] The theoretical distinction survived; but it is plain that the mass of the villains *in gross* gradually passed into the class of villains *regardant*, a change which, for the actual slave, the mere chattel of his master, was undoubted promotion. But it is no less clear that, if the *theow* had risen, the *ceorl* had sunk, by both of them meeting on the same level: Under the manorial system everything tended to strengthen the hands of the lord, to fix and stiffen his rights, to change free commendation, free tenancy of land, into servitude of both the land and the man. In this state of things, no one was really free save the man who could go with his land whither he would.[2] He who could go whither he would, but only without his land, would find such a right by no means profitable. And it would soon come to be held that he was bound to the land, and could not go away from it against his lord's will. Given a tenant bound to certain rents or services by agreement; if it is once held that he cannot cancel that agreement, he practically becomes a bondman. That is, he becomes a villain *regardant;* he is a bondman as regards his lord; as

CH. XXIV.

The *ceorl* and the *theow* confounded in the class of *villani*.

Villains *in gross* and *regardant*.

Working of the manorial system.

Change of free tenants into villains.

[1] For the distinction see Blackstone, ii. 6, and on the growth of villainage, Stubbs, Const. Hist. i. 428. Blackstone's editor Christian quotes Lord Coke as saying that "the lord may beat his villein, and, if it be without cause, he cannot have any remedy." Under the Lion of Justice at least it was not so. See the extract from Henry's Pipe Roll in Stubbs, Const. Hist. i. 430. Glanville in his fifth book (Phillips, Englische Reichs und Rechtsgeschichte, ii. 377) uses the word "servus" in the headings, but in the text the man himself is "nativus," though his condition is "villenagium" and "servitus."

[2] The common Domesday phrase, "Potuit ire quo voluit;" "cum ista terra" is sometimes added.

CH. XXIV. regards other men, his *status* need not be in any way changed. There is nothing in the personal relation between him and his lord which need at all hinder him from exercising the rights of a freeman either towards the commonwealth or towards other men. And this was the legal theory of villainage, even when it was harshest. The lord's rights had grown to a fearful degree; the practical position of the villain towards other classes of men had sadly sunk; still in theory the relation of lord and villain was purely a private one. The villain was not a slave, but a freeman *minus* the very important rights of his lord. As against all men but his lord, he was free. The rights of his lord over him were something special and exceptional. If they were disputed, the lord had to prove them; and under certain circumstances of *non user*, such for instance as the villain living unclaimed for a fixed time in a chartered town, the rights of the lord were lost for ever. The whole position of the villain shows that he was one who had sunk from a higher to a lower position. The relation of villainage is a very artificial one, one which could never have been devised from the beginning in the form in which it stands in our law-books. Actual slavery is a very simple thing, which may arise in a thousand ways. But the artificial institution of villainage could hardly have come about in any way except by the process which changed free commendation between a man and his lord, first into the lord's qualified ownership of the land, and then into his qualified ownership of the man himself. It is only by degrees that the private bondage of the villain cuts him off from the public rights of the freeman. In old days the *villani*, the *ceorlas*, of Kent had sent their greetings to King Æthelstan as one class among the freemen of the shire.[1] Long after the Conquest we find them keeping their place for some purposes in the local assemblies; successive ordinances, for-

The villain's relation to the lord strictly personal.

Villainage grows out of free commendation.

The villain gradually loses his public rights.

Stages of their degradation.

[1] See vol. i. p. 108.

bidding them to act as judges or jurors, forbidding them to escape from their bondage by admission to holy orders,[1] mark different stages in their degradation. But, in so doing, they mark that it was a process of degradation, a fall from a higher state to a lower. For it is inconceivable that, in such a state of things, villains could ever have put forth new claims to rights which they had never before enjoyed. The innovation must have been in the law which forbade, not in the thing which was forbidden. By the time of Henry the Second the *status* of the villain seems to have been fixed. As against his lord, he no longer had any full right of property; he could not even redeem the services due to his lord by a payment in money, because, as against his lord, he had no full property in anything.[2] To this state the descendants, doubtless not of all, but of a large part, of the churls, the simple freemen of the old Teutonic society, had been brought within little more than a century after the Conquest. The change was wrought by the working of causes to which the Conquest gave a new and strong impulse; but the same causes had been, though less powerfully, at work ever since the new nobility of the Thegns began to supplant the immemorial nobility of the Eorls.[3]

CH. XXIV.

Villainage under Henry the Second.

The change begins when the *Thegns* supplant the *Eorls*.

This was, on the whole, the blackest and saddest result of the Norman Conquest. Yet even this had its bright side. The process which thrust down the churl into a modified slavery, raised the slave into what, as compared with his former state, might be called a modified freedom. The general confusion of all the lower classes together worked to the advantage of the lowest class of all. The strict feudal theory, with its ascending scale of classes, had

The slaves gain by the Conquest.

The feudal theory has no place

[1] See the passages in Stubbs, Const. Hist. i. 396, 431.

[2] Glanville, v. 5. "Omnia catalla cujuslibet nativi ita intelliguntur esse in potestate domini sui, quod propriis denariis versus dominum a villenagio redimere se non poterit."

[3] See vol. i. pp. 94, 95.

CH. XXIV. for the slave.

hardly any room for the personal slave. At every stage, from the Emperor and the Pope downward, the lord had rights over his man, the man owed duties to his lord. Those duties, as we get lower in the scale, might be base and burthensome; but they did not imply actual property in the man himself. The lowest step of all, in such a system as this, was more naturally filled by villainage than by actual slavery. For, grievous as the villain's bondage might be, the form which that bondage took was rather that the lord had rights over the villain than that he had a property in him. Absolute property in a man, the property which enables the master to sell his slave in the market, has no place in the feudal range of ideas. Silently then and gradually, but none the less effectually, while the churl sank to the state of villainage, the slave rose to it. In this way, that very spirit of oligarchic contempt for the lower classes, which did such wrong to the lowest class but one, did for the lowest class of all what the preaching of Wulfstan and Anselm, the legislation of Cnut and William, had failed to do. Without the operation of any law, without any general act of emancipation, the slave class rose to the rank of villainage. The state of slavery, never abolished by law, passed so utterly out of use and out of mind, that English Judges, who remembered that there had been such a thing as villainage, denied that there ever had been such a thing as slavery. At last, when a new kind of slavery had arisen in the outlying possessions of England, when slaves who were no longer English criminals or British captives, but men utterly alien in race and colour, were again bought and sold in England, the question which had troubled the consciences of Wulfstan and Anselm again became a practical one. It is characteristic of English history that slavery was finally wiped out from among us, not by a legislative enactment, but by a judicial decision which did more credit to the hearts of the

The slaves gradually raised to villainage.

Slavery forgotten in England, but never abolished.

Negro slavery.

Slavery abolished, not by law, but by the Judges. 1772.

Judges who gave it than it did to their knowledge of history.[1] The doctrine that a man became free merely by treading the soil or breathing the air of England would have sounded strange in the ears of any judge or legislator in the twelfth century. But, long before that doctrine was put forth, while actual slavery had so utterly passed away that its very existence in former days was forgotten, villainage, though not forgotten, had passed away as utterly. Neither slavery nor villainage was ever abolished by law. As villainage came in by the gradual degradation of the poorer freemen, so it went out by the gradual emancipation of the villains. The details of that process belong to a later stage of history than mine. The completion of the good work in which Wulfstan and Anselm laboured, the abolition, first of the slave-trade and then of slavery, first within the dependent, then within the independent, colonies of England, forms a page in modern history which aptly follows on some pages of history in the eleventh and twelfth centuries. But there was one great difference between slavery in earlier and in later times. The descendant of the English *Wite-theow*, the descendant of the British captive, when he was once set free, differed in nothing from his free neighbours. The great difficulties which have arisen from the emancipation of slaves who are unlike their masters in every respect in which man can be unlike man, is a difficulty with which Wulfstan and William were not called upon to grapple.

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No legal abolition of either slavery or villainage.

Abolition of slavery in all English-speaking lands.

Difference between white and black slavery.

The same causes which fostered the growth of manors, and which helped to thrust down the free churls into villainage, naturally strengthened every feeling and every

Growth of the chivalrous spirit.

[1] See Blackstone, i. 1, i. 14 (vol. i. pp. 127, 424, ed. Christian). See also May, Const. Hist. iii. 35, 36. Blackstone and his editor would seem never to have looked into Domesday or into any other record of our history or law.

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custom of that kind which, for want of a better name, may be called *chivalrous*. The chivalrous spirit is, above all things, a class spirit. The good knight is bound to endless fantastic courtesies towards men, and still more towards women, of a certain rank; he may treat all below that rank with any degree of scorn and cruelty. The spirit of chivalry implies the arbitrary choice of one or two virtues, to be practised in such an exaggerated degree as to become vices, while the ordinary laws of right and wrong are forgotten. The false code of honour supplants alike the laws of the commonwealth, the law of God, and the eternal principles of right. Chivalry again, in its military aspect, not only encourages the love of war for its own sake, without regard to the cause for which war is waged; it encourages also an extravagant regard for a fantastic show of personal daring which cannot in any way advance the objects of the siege or campaign which is going on. Chivalry, in short, is in morals very much what feudalism is in law; each substitutes purely personal obligations, obligations devised in the interests of an exclusive class, for the more homely duties of an honest man and a good citizen. That these influences never became wholly dominant in Western Europe is largely owing to the counteracting influences of ecclesiastical and municipal institutions. Both those classes of institutions have their weak side; they have their temptations and their corruptions; but they both helped to keep alive the great ideas of duty and common sense alongside of the follies and fripperies of the reign of knights and ladies. In England these wholesome influences were strengthened by the personal wisdom of so many of our Kings. It is only once, in his extreme youth, that anything savouring of chivalry is recorded of William the Great.[1] Neither in the good nor the bad side of Henry the First do we see a spark of chivalry; he

Nature of chivalry.

Counteracting ecclesiastical and municipal influences.

No chivalry in William the Conqueror or Henry the First.

[1] See vol. ii. p. 285.

might sacrifice either duty to interest or—in some better moment—interest to duty; but he never sacrificed either to a point of honour. He might go through a form of chivalrous courtesy to a defeated enemy; but he refused to risk the smallest political or military advantage by any purposeless display of personal prowess.[1] Between these two great and wise rulers we see the ideal of the magnanimous knight in the form of William Rufus. We see it again, in a more attractive shape, in the weak and generous Stephen. At a later time Edward the First cannot be wholly acquitted of having had a hand in encouraging the same false ideal. Politically, I need not say, Edward was one of the truest of Englishmen, the true successor of our ancient Kings, the true Bretwalda and Emperor of Britain. Yet in one side of his personal character we cannot help seeing a certain French influence, which marred his greatness with a touch of the follies of chivalry.[2] The whole chivalrous idea, an idea quite un-English, and rather French than Norman, flourished most of all during the French wars of Edward the Third. How little English, how little Norman, it is, we see if we try to conceive either Harold or William risking his life in a tournament or taking an oath upon the swans. It would be as hard to conceive Earl Roger as to conceive Earl Gyrth, riding up to run his spear into the gate of a besieged town, or keeping one eye bandaged for a year's space for the love of his lady. Yet, so far as France influenced Normandy, so far as the connexion with Normandy laid England open to influences from France, so far may the slight touch of chivalrous feeling which was all that ever infected England be set down as a result of the Norman Conquest. As far as chivalry had any real effect on our institutions, it acted rather by falling in with and strengthening one or two

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Chivalry of William Rufus; Stephen; Edward the First; Edward the Third. Chivalry neither English nor Norman, but French. Slight hold of chivalry on England.

[1] See above, pp. 181, 189.

[2] See Green, Short History of the English People, p. 176.

CH. XXIV. already existing customs than by bringing in anything that was positively new.

Forms of conferring knighthood; in England; in Normandy.

To begin with mere outward badges and ceremonies, there can be no doubt that some form of investing the youth who had reached the age of warfare with the weapons of warfare was a custom which had its root in genuine Teutonic antiquity. In our own land Æthelstan is said to have been girded with the belt and sword of knighthood by his grandfather Ælfred;[1] and it would seem that this ceremony had, in Normandy at least, grown by the middle of the eleventh century into something of more special meaning than it bore in England. Otherwise we could never have heard of William bestowing arms on so tried a warrior as Harold.[2] By the end of the century the ceremony seems to have put on somewhat of a religious character; if King William dubbed his son Henry to rider,[3] both Henry and William Rufus are said to have received their knighthood at the hands of Lanfranc.[4] It may be that the difference between English and Norman notions of knighthood lurks in the words *rider*, *ritter*, *chevalier*;[5] and in the religious ceremony, whatever was its nature, we may perhaps see the beginning of that special notion of knighthood or chivalry as something mystical and sacred of which we hear so much at a somewhat later time. And it is undoubtedly under William Rufus that the "good knight" first appears as a being of a special class, bound by special ties to others of the same class.[6] In short, the chivalrous side of feu-

Ecclesiastical ceremonies of knighthood.

Chivalry as connected with horsemanship.

[1] Will. Malms. ii. 133. "Avus Elfredus . . . premature militem fecerat, donatum chlamyde coccinea, gemmato baltheo, ense Saxonico cum vagina aurea."

[2] See vol. iii. pp. 228, 240, 685.

[3] See vol. iv. p. 694.

[4] See Will. Malms. iv. 305. We here see how utterly wrong is the statement of the false Ingulf (70, Gale) that the religious form of bestowing knighthood was something specially English and disliked by the Normans, a statement which has misled many. See more in Stubbs, Const. Hist. i. 367.

[5] See Comp. Politics, 73.

[6] See above, pp. 73, 74.

dalism, as represented by the Red King, and its financial side, as represented by his minister, must have come into prominence exactly at the same time. From that time the notion of the knight, the *chevalier*, goes on and prospers, till it reaches its full developement under Edward the Third. Ceremonies of knighthood, orders of knighthood, are now in full force. Yet we must always distinguish the strict legal meaning of *chevalier* and its cognate words from their fantastic social meaning. Tenure in chivalry, guardian in chivalry, are words of dry legal meaning, coined in the mint of Flambard;[1] and guardianship in chivalry at least was a relationship which did not often savour much of any laws of courtesy or honour. In process of time the mystic character of the knight died out; he remains among us in his various forms, whether for life or hereditary, as a singular instance of a rank which is marked by a title of foreign origin, but a title which has in practice become so purely English that no other nation seems able to understand its use.

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Legal use of the word *chivalry*.

Survivals of knighthood.

Somewhat like the history of knighthood and its titles is the history of the special badge, if not exactly of knighthood, yet of that gentle blood which knighthood took for granted, the use of hereditary coat-armour. We have seen that devices of this kind, purely arbitrary in the eleventh century, had become, perhaps hereditary, certainly personally distinctive, among the French warriors of the reign of Lewis the Sixth.[2] For a man to be distinguished in battle by a badge on his shield, and for that badge to become the distinguishing mark of his family, was in itself harmless, perhaps in some cases useful. Heraldry becomes ridiculous only when it takes to itself somewhat of a mystical importance, and boasts itself as the subject of an imaginary science. Here again we must look on the

Origin of coat-armour.

[1] See above, p. 377.

[2] See above, p. 189.

CH. XXIV. introduction of knighthood in the special sense, of hereditary coat-armour, and of the whole range of ideas connected with either, as results of the Norman Conquest. Yet we cannot but remark that, just as the legal side of feudalism obtained less perfect establishment in England than anywhere else in Western Europe, so its words and ideas and outward badges grew into far less importance in England than they grew into, not only in France, but also in Germany. The *gentilhomme* of France, the sixteen quarterings of Germany, are things which have no English equivalents. Again, if the actual introduction of these things among us is due to the Norman Conquest, still the fact that they never rose among us to the same mischievous importance to which they rose in other lands is due partly to the wise despotism of the Norman Kings, partly to the English spirit of the nation which that despotism called forth into fuller life.

Less valued in England than elsewhere.

The Court of Chivalry.

An instance of the way in which the growing notions of chivalry modified an actually existing institution may be seen in the institution which bears the fantastic name of the Court of Chivalry. The Constable and the Marshal, the former of whom was merely the ancient Staller with a Latin name, were really great and important officers in time of war.[1] That they should hold a court for the trial of strictly military offences—that is, that the ancient judicial functions of the army itself, the armed nation, should be transferred to them—was only one example more of the centralization of judicial power, of the transfer of authority from the assembled people to the King and his immediate representatives. And if, as we are told, the judges of this court gave judgement, not according to the common law of England, but according to some undefined code called the law of arms,[2] such a special jurisdiction was at least not more

Functions of the Constable.

[1] See Stubbs, Const. Hist. i. 354.

[2] See Reeves, History of English Law, iii. 194.

unreasonable or oppressive than the jurisdiction of the forests. But when we find the Court of Chivalry acting as a court of honour, deciding questions of words by which men's honour was supposed to be touched, and deciding all questions about coat-armour,[1] we see the effect of chivalrous ideas in their most fantastic shape. But we see also how little real hold such notions had upon the mind of England. Military jurisdiction of some kind there must be wherever there is an army, and a court-martial is still a practical thing. But the Constable has vanished altogether, and it is long indeed since an Earl-Marshal has been called on solemnly to sit in court to decide questions about coat-armour or about the honour of its bearers.

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Its use as a court of honour.

But the most notable case in which the chivalrous spirit seized upon an existing institution and turned it into something of quite another kind, is to be seen if we compare the wager of battle with the tournament. We have already traced the history of the two forms of direct appeal to the judgement of God, the wager of battle and the ordeal.[2] Trial by battle, the Norman use, supplanted the ordeal, the English use. The story of the judicial combat of Godwine and Ordgar,[3] whether true or false, shows that the Norman use was already adopted by Englishmen in the days of William Rufus. The change is not wonderful. To adopt the wager of battle was not merely to follow the more fashionable and courtly use; it was to follow the use that was clearly more attractive to any one of a warlike spirit. The wonder is that the wager of battle, which certainly was no Norman invention, but which had its root in old Scandinavian usage, was not as well known in England as it was in Normandy. The ordeal therefore died out, while the wager of battle was abolished only

The ordeal and the wager of battle.

The ordeal dies out.

[1] Blackstone, iii. 7 (vol. iii. p. 103, ed. Christian). Compare vol. iii. p. 67; iv. p. 267.

[2] See vol. iv. p. 624, and above, p. 400.

[3] See Appendix R.

CH. XXIV. in our own time. The wager of battle is essentially a warlike institution, but it is in no sense a chivalrous institution. It may be called cruel, irrational, or impious; but it was no risking of human life in mere sport or frivolity. Strange as such a means of coming at the truth may seem to us, the wager of battle was a grave judicial proceeding, the object of which was to come at the truth. It was to the direct judgement of God, the God who, as men deemed, would give victory in the strife to the righteous cause, that William challenged Harold.[1] And, had it been merely his own cause that was at stake, and not the cause of the English people, Harold might perhaps not have refused the challenge. The challenge was given in the spirit of a warrior; it was not given in the spirit of a mere knight-errant. But, once bring in the chivalrous spirit, once set men to fight and risk their lives, not to decide any issue of truth and right, but for mere sport, mere display, mere excitement, and the wager of battle becomes the tournament. The public practice of military exercises can hardly fail to be the usage of any people among whom every man may be called on to bear arms. Wulfstan, not yet priest or monk, won fame by his early prowess in displays of this kind.[2] But mere military exercises, which need not involve any greater danger than bodily exercises of any other kind, are something utterly different from the wanton risking of life which is the essence of the tournament. The tournament appears among us as a novelty of the twelfth century, a French device unknown to England, and it is spoken of by grave writers of that age with the horror which it deserved. Neither of the great Henries allowed any such doings in his days. They began under the anarchy of Stephen; they began again in the days of the knight-errant Richard. The Church denounced them, but the Church denounced

The wager of battle strictly judicial.

Chivalrous character of the tournament.

Its introduction into England.

[1] See vol. iii. p. 448.

[2] See vol. ii. p. 463.

them in vain. The ordeal was in the like sort forbidden, and the ban took effect, because the institution was already waning. The ban against the tournament was fruitless, because the institution was the fruit of the growing spirit of the age; it was the very embodiment of chivalry.[1]

Growth of primogeniture.

Another result of that class of feelings of which we have been tracing the effect in the manor and the tournament comes out in the growth of the system of primogeniture after the Norman Conquest. Domesday is full of cases in which land was held by several owners in common, whom we may commonly guess to have been brothers, as in some cases they are distinctly said to have been.[2] When the

Equal division before the Conquest.

[1] The history of the tournament is given by William of Newburgh, v. 4, under the year 1194; "Meditationes militares, id est armorum exercitia quæ torneamenta vulgo dicuntur, in Anglia celebrari cœperunt, rege id decernente et a singulis qui exerceri vellent indictæ pecuniæ modulum exigente." He adds, "Sane hujusmodi, nullo interveniente odio, sed pro solo exercitio atque ostentatione virium, concertatio militaris nunquam in Anglia fuisse noscitur, nisi in diebus regis Stephani, quum per ejus indecentem mollitiem nullus esset publicæ vigor disciplinæ." The contemporary Continuator of Florence (1139) thus comments on the novelty; "Vere erat miseria videre, dum quis in alium hastam vibrans lancea perforaret, et ignorans quod judicium spiritus subiret, morti traderet." William of Newburgh goes on to tell how Henry the Second forbad tournaments, how those who loved the practice went over to France to indulge in them, and how Richard introduced them into England; "Ut ex bellorum solemni præludio verorum addiscerent artem usumque bellorum, nec insultarent Galli Anglis militibus tanquam rudibus et minus gnaris." He then mentions the prohibition of the tournament in various ecclesiastical councils, and adds how the prohibition was despised by the "fervor juvenum, armorum vanissime affectantium gloriam, gaudens favore principum probatos habere tirones volentium."

[2] Of many cases in Domesday I take a few from Somerset, where they lie thick together. Single manors, as they had become in the time of King William, had been in the time of King Eadward held by two Thegns (89 *b*, 92 *b*, 93), three (91, 93), four, five, seven (92 *b*, 93), fourteen (90). In Lincolnshire (354) we get a good case of the division of land between brothers; "In Covenham habuerunt Alsi et Chetel et Turver iii. carucatas terræ et dimidiam. . . . Chetel et Turver fratres fuerunt, et post mortem patris sui terram diviserunt, ita tamen ut Chetel faciens servitium regis haberet adjutorium Turver fratris sui." The lands of the two brothers

CH. XXIV. possession of land had been changed into a kind of principality carrying with it jurisdiction, it became natural to vest that property and jurisdiction in a single person only. As the growth of the notion of property in the royal office had made the royal office more strictly hereditary, so the turning of property in land into a kind of office made it seem reasonable to lay down for the manor, as well as for the kingdom, a distinct law of succession, marking out a single undoubted successor at each vacancy. But it must not be forgotten that the doctrine of primogeniture, the doctrine that one son only should be held to represent the father, has had to struggle with an older, and in truth a more aristocratic, instinct. The doctrine of primogeniture goes distinctly in the teeth of the doctrine of the nobility—in the highest rank of all, the kingliness—of the whole kin.[1] In a Roman patrician gens one member was as noble as another; in a Teutonic kingly house the youngest brother was as much a son of Woden as the eldest. From this doctrine came the frequent partitions of kingdoms among the early Emperors and Kings;[2] from it came the constant partition of their dominions among the princely houses of Germany; from it came the general doctrine of continental nobility, the doctrine that all the descendants of a noble are noble to the ninth and tenth generation. Of these two shoots of an evil stock, that which took root in England was comparatively harmless. The law of primogeniture has its dark side; but it has a very bright side also, when we remember that it is the law of primogeniture, more than anything else, which has saved us from the curse of an

Doctrine of primogeniture contrary to the nobility of the whole kin.

Continental doctrine of nobility.

Primogeniture hinders the growth of nobility.

had become the subject of distinct grants; for "terram Chetel habet Willelmus [de Perci] de rege, terram autem Turver emit isdem Willelmus ab Anschitillo quodam coquo T. R. Willelmi."

A good deal about the old practice of division of land, commonly called *gavelkind*, will be found in Elton's Tenures of Kent, chap. iv. v.

[1] See Comparative Politics, 164.

[2] Ib. 172.

exclusive nobility. The heaping of property, honours, and offices on one son only in each family, the gathering together, as it were, of the whole nobility of the family in his single person, has hindered in England the growth of a *noblesse*, a *Junkerthum*, like those of foreign lands. Our hereditary peerage is founded on a combination of the law of primogeniture and the right of summons; the dignity of a peer in truth consists in a perpetual right of summons vested in one member of his family at a time. Such a peerage is of all things the most opposed to the continental doctrine of nobility.[1] Because the eldest son is a hereditary legislator and a hereditary judge, his brothers sink into the general mass of the people. Under the working of the new feudal doctrines, the custom of primogeniture gradually supplanted the Old-English custom of equal partition of lands. The change seems at first sight a change in an aristocratic direction; and so it may well have been felt to be. In truth its working has been democratic. Had all the sons of a Thegn remained Thegns for ever and ever, a nobility of the strict continental type, a nobility feneed off by exclusive hereditary barriers, might have arisen in England as it arose in other lands. As it was, the working of primogeniture has brought about the rule which more than any other one rule has preserved equality of rights among us, the rule that the younger children of a baron, an earl, a duke, or of the King himself, are simple commoners. The foundation of a peerage which keeps to a great extent the character of a nobility of office has done more than any other one cause to hinder the growth of a real nobility of birth.

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The English peerage opposed to continental nobility.

§ 6. *Ecclesiastical Effects of the Norman Conquest.*

One side of the ecclesiastical results of the Norman Conquest has been dealt with already, when we spoke of the new position which England now took with regard to the

[1] See Comparative Politics, 264.

CH. XXIV. Papacy and to foreign lands generally. The Norman Conquest made England a part of the common ecclesiastical system of Western Christendom; it made her one of the spiritual dependencies of the see of Rome in a fuller sense than she had ever been before. If foreign churchmen were quartered on the sees and benefices of England, the sees and benefices of other lands were thrown open to Englishmen, that is to natives of England of both races, in a way in which they had not been before. In the internal history of the English Church, the effects of that fuller submission to the Roman see which was one result of the Norman Conquest were of much the same kind as the final results of the Conquest itself. In both cases, a season of a more complete submission called out the spirit of resistance in a more definite and antagonistic form. The older England of our native Kings had no quarrel with Rome, because she had no grievances to complain of at Roman hands. She looked up to Rome with the reverence due from a colony to its metropolis, and she paid her *Romescot*,[1] as far as we know, without a murmur. But, from the time of the Conquest, from the time when a Bishop of Rome had in some sort disposed of the English Crown, the encroachments on the ecclesiastical freedom of England come upon us thicker and thicker. They had indeed, like all the other changes which came of the Conquest, begun before the Conquest. We saw some signs of what was coming in the days of Eadward, when the Roman Pontiff could keep Spearhafoc out of the see to which he had been lawfully nominated by the English King,[2] and could denounce Stigand as an usurper of the patriarchal throne to which he had been yet more lawfully called by the voice of the English people.[3] The coming of Roman Legates, the meddling of those Legates in English

Increased connexion with Rome through the Conquest.

General intercommunion throughout Western Christendom.

Older relations between England and Rome.

Romescot.

Roman encroachments after the Conquest.

Beginnings under Eadward.

Interference of Roman

[1] See vol. iv. p. 431.

[2] See vol. ii. pp. 120–122.

[3] See vol. ii. pp. 341–344.

affairs, begins under Eadward; it quickens under William, who himself stoops to receive his Crown from Roman hands on one of the great feast days of the English realm. We have seen how under Henry men wondered at the insolence of the stranger who displaced the Primate of all Britain in his own church, and how Henry himself could find no remedy for the evil, save that of clothing the Primate himself with the character of a Legate of the Roman see.[1] Under the anarchy of Stephen England sank so low that the right to the English Crown was debated, and arguments were heard on either side, in the court of the Roman Bishop.[2] The efforts of Henry the Second to assert the ancient liberties of the realm were thwarted, and that partly by the mistakes of his own conduct, by his stooping, when it served his momentary ends, to admit the very claims against which he had begun to strive. Presently came the day when an English King, a strange wearer of the Crown of William, knelt to receive the English kingdom as a fief of Rome. Then came the long years of papal pillage, the days when the land lay as a ready farm for Roman tax-gatherers as truly as it had lain in elder days for Danish invaders.[3] But with the crowning wrong came also the national uprising. The ignominy of the days of John, the plunder of the days of Henry, awoke the old spirit of Englishmen. It awoke the spirit that breathes in the patriotic pages of Matthew Paris, the spirit which hailed a saint and a martyr in the hero of Lewes and Evesham, and which saw no power in the curse of Rome to hinder an English Earl from working signs and wonders. From that day the struggle went on. A long succession of statutes, restraining the encroachments of the see of Rome, lead on to those great statutes of all by which the authority of Rome was thrown aside altogether. In all this, the growth of the papal power, like the growth

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Legates under Eadward, under William, under Henry,

under Stephen.

Henry the Second.

John. 1213.

Henry the Third.

Opposition to Rome in the thirteenth century.

Struggle and final emancipation. 1534.

[1] See above, p. 236. [2] See above, p. 325. [3] See vol. i. p. 360.

CH. XXIV. of the kingly power, wrought in the end for good. In both cases the utter bondage of a moment led in the long run to fuller freedom. As against King and Pope alike, our freedom is the more complete and the more precious, because it is a freedom for which our fathers had to strive.

Internal ecclesiastical effects of the Conquest.

But, besides its effect on the relations of England with Rome, the Conquest had important effects on the more strictly internal concerns of the English Church. The

Exemption of churchmen from temporal jurisdiction.

separation of the ecclesiastical and temporal jurisdictions by the Conqueror led almost immediately to those claims on the part of churchmen to exemption from all temporal jurisdiction which became one of the great subjects of strife in the days of Henry the Second. But this class of results is

Their connexion with the papal encroachments.

closely connected with the other class. It is inconceivable that claims of this kind could ever have been put forward by a strictly national clergy. They could hardly have occurred to a clergy who owned no allegiance beyond the sea, who felt themselves bound to other Churches by the tie of Christian brotherhood, but by the tie of Christian brotherhood only. Claims to exemption from the ordinary authority of the commonwealth of which they were members could have been dreamed of only by men who felt themselves members of a society which spread far beyond the island realm. They were natural on the part of an organized body which had its branches in every land, which obeyed a chief who ranked in the eyes of his votaries above all temporal rulers, a chief to whom at last the lord of the island Empire bowed and swore oaths and became his

Comparison with the Eastern Church and Empire.

man. The natural tendency of England, had she remained untouched by the Romanizing influences of Eadward and William, would have been to such a state of things as was seen at the other end of Europe. There the Eastern Emperor looked on his faith and his orthodoxy as the richest jewels in his Imperial diadem; but it was none the less

well understood that the Patriarch of the New Rome was in all things the subject of her Cæsar. The ecclesiastical independence of England was more utterly overthrown on the day of Senlac than her political freedom. On her political side, she did but exchange a native for a foreign King. On her ecclesiastical side, she became a province of a foreign empire. Had the fate of that day been otherwise, had the excommunicated Harold lived and reigned with the excommunicated Stigand by his side, had a succession of schismatic Primates poured the kingly oil on the heads of a succession of schismatic Kings, the work which was not done till the sixteenth century might perhaps have been done in the eleventh.

Direct ecclesiastical effects of the Conquest.

The immediate changes which the reign of the Conqueror wrought in ecclesiastical matters, the substitution of foreign for English ecclesiastics in nearly all the high places of the English Church, are rather to be looked on as part of the actual process of the Conquest than as part of its results. But it was a change which led to many other changes. The Norman Bishop, ignorant of the English tongue, stood in a very different position from his English predecessor. There was, in the nature of things, a gap between him and the mass of his flock and of his clergy which there had not been when the Church had native chief pastors. Here again the change began under Eadward, and was strengthened under William. And everything tended to make the gap between the shepherd and his flock grow wider and wider. The first set of Bishops of William's appointment were, for the most part, men well fitted, except in their foreign birth, for the office in which they were placed. But when, in the later days of the Conqueror and in the reign of Henry—to say nothing of the mere corruption and simony of Rufus—bishopricks were systematically given away to the King's clerks as the reward of their temporal services,

Effects of the introduction of foreign prelates.

Gap between the higher and lower clergy.

Secularization of the Bishops under the Norman Kings.

CH. XXIV. when the King's Chancellor succeeded to a bishoprick as a matter of course, the change in the position of the Bishops grew more and more marked. The Bishop so appointed had commonly the habits of a courtier and a man of business, rather than those of a churchman. And all the recent changes tended to strengthen the temporal side of his office at the expense of its spiritual side. He indeed no longer sat, directly in his character as Bishop, as joint president with the Ealdorman in the assembly of the shire. But he not uncommonly appeared there in the more distinctly temporal character of a royal *missus*, and the devices of Randolf Flambard had given him a new character, alike in the kingdom at large and in his own diocese and his own house. As an English freeman, he had always been a member of the national Assembly. As a father of the Church, he had often been the special counsellor of the King. But now he had become a baron, holding his lands by military tenure, a character which in the larger and wealthier dioceses—to say nothing of the actual palatinates—clothed its owner with a good deal of the character of a temporal prince. The Bishop had his manors, and on his manors, as on those of other lords, castles often arose. He had his military retinue; even the mild Wulfstan was surrounded in Norman fashion by a following of knights.[1] All this tended to strengthen the character of the lord at the expense of the character of the overseer of the flock. In accordance with the spirit of the time, even purely ecclesiastical relations became feudalized. The Bishop seemed to have become a feudal lord, with the lesser clergy to his vassals. We now hear less of the duty of the chief pastor to overlook both shepherds and flocks within the range of his

Their new temporal position.

Their manors, castles, and military followers.

Feudalization of ecclesiastical relations.

[1] Will. Malms. Gest. Pont. 281. "Consuetudines Normannorum non omittebat, pompam militum secum ducens, qui stippendii annuis quotidianisque cibis immane quantum populabantur."

authority, and we hear more of the rights of visitation which the episcopal or abbatial church holds over the lesser churches. Those were rights which Bishops and Abbots, no less than Kings, valued as a source of profit as well as of dignity and power. Money, so powerful with those who exercised jurisdiction in the King's name, was not without its weight with those who exercised jurisdiction in the Bishop's name. The Archdeacons of the twelfth century had won for themselves a reputation as bad as that of the Sheriffs.[1] In everything the tendency was to put the benefice before the office, possession and right before duty. Everything helped to stiffen the fatherly care of the shepherd and Bishop of souls into a formal jurisdiction exercised according to a rigid and technical law. The Bishop, like the King, had made himself lord over God's heritage, in a sense which was as strange to the democracy of the primitive Church as it was to the democracy of the old Teutonic community. Good Bishops, like good Kings, might rise above the temptations among which they were placed; but the tendency to secularity which beset all the Teutonic Churches from the beginning both grew in strength and put on a worse form through the changes which followed on the Norman Conquest.

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Corruption of the Archdeacons.

General tendency to secularization of the Church.

This new position of the Bishops, strengthened by the passion for exemptions and special jurisdiction of all kinds which was now sweeping over Church and State, led also to another change. As the Bishop became separated from his diocese, he also became separated from his cathedral church. He was often far away from his diocese, busy with

Changed relation of Bishops to their own churches.

[1] See John of Salisbury, Ep. 146 (Giles, vol. i. p. 260). "Erat, ut memini, genus hominum, qui in ecclesia Dei archidiaconorum censentur nomine, quibus vestra discretio omnem salutis viam querebatur esse præclusam. Nam, ut dicere consuevistis, diligunt munera, sequuntur retributiones, ad injurias proni sunt, calumniis gaudent, peccata populi comedunt et bibunt, quibus vivitur ex rapto, ut non sit hospes ab hospite tutus."

CH. XXIV. temporal offices in the court, the council, or the foreign embassy. When he was in his diocese, his baronial character often led him to the castle on his rural manor, rather than to the palace under the shadow of his own church. Of that church and its ministers he was becoming rather the absent lord and visitor than the present head. He was led to tolerate the growing independence of his canons, to grant them charters and privileges of exemption, in much the same spirit in which he granted charters to the burgesses who were growing into something of a settled community round his castle gates. It is most striking to compare the seemingly absolute authority which the Bishops exercised in their cathedral churches under William, how they changed the nature of their foundations, how they arranged and altered offices at pleasure, with the state of things which we see in the thirteenth century, or even in the later years of the twelfth. Things had changed greatly at Lincoln between the days when Remigius constituted the Chapter[1] and the days when Robert Grosseteste was defied by it.[2] They had changed a good deal at York between the days when Thomas of Bayeux founded the offices of Præcentor and Treasurer[3] and the days when the minster and its Archbishop-elect were left in silence and darkness at the arbitrary bidding of a refractory Treasurer.[4] Under the influence of these ideas, instead of the ministers of the chief church of the diocese forming a household with the Bishop at their head, we find the canons making themselves, as far as might be, independent of the Bishop; we find the vicars making themselves, as far as might be, in-

Growing independence of the Chapters.

Lessening of the Bishops' authority

Lincoln. 1239.

York. 1190.

Changes in the secular Chapters.

[1] See Giraldus Cambrensis, Vit. Ep. Linc., Ang. Sac. ii. 415; Hen. Hunt. De Cont. Mundi, Ang. Sac. ii. 695.

[2] The letters of Robert Grosseteste are full of this matter. See those numbered 71, 73, 77, 80, 90, 94, 122, and compare the story in Matthew Paris, Wats, 485, 522.

[3] See vol. iv. p. 374.

[4] See Roger of Howden, iii. 31 (1190).

dependent of the canons; nay, we find each canon making himself, for many purposes, independent both of the Bishop and of his brethren, holding his separate estate, his separate patronage, and often his separate ecclesiastical jurisdiction. And, if all this isolation and separation took place among the secular clergy, there was yet more room for it among the monastic bodies. We have seen how their strivings after exemption from episcopal jurisdiction began in the days of William, if they had not already begun in the days of Eadward. Such claims grew and strengthened; and from the separate monasteries they spread to those monasteries of which the Bishops themselves were the immediate heads. The fashion of having monks instead of canons in cathedral churches was all but exclusively English. The continental examples are extremely few; it was only here and there that the imitation of England brought the use into Scotland and Ireland, and the episcopal churches of Wales escaped the innovation altogether. In England the change had begun under Dunstan, and, as we have seen, it went on with increased vigour under William and Lanfranc.[1] It is only now and then that we hear of the opposite process, the substitution, or attempted substitution, of secular canons in the place of monks.[2] But it is plain that, when the passion for exemption had begun to work, the monks of a cathedral monastery would naturally strive after it with yet more zeal than a chapter of secular canons. Their nominal Abbot the Bishop, often absent, in many cases himself a secular priest, could not exercise the real control of an Abbot. Saint Wulfstan might show himself the model of an Abbot among the monks of Worcester, but Randolf Flambard, and even Hugh of Puiset, were strange Abbots indeed to set over the

CH. XXIV.

Exemption of monasteries from episcopal jurisdiction.

Monks in cathedral churches a specially English usage.

Monks substituted for Canons.

Their attempts at independence.

Position of the Bishop as Abbot.

[1] See vol. iv. p. 370.

[2] See the account of the doings of Hugh of Nonant, Bishop of Chester or Coventry, as described by Richard of the Devizes, 64-67.

CH. XXIV. monks of Durham. Lanfranc, fresh from Bec and Saint Stephen's, seems to have done whatever his wisdom thought good with his monks of Christ Church. By the end of the next century the disputes of the same convent with its Abbot and Primate had begun to fill a large space in the ecclesiastical, and even in the secular, history of the time.[1]

Disputes of the monks of Christ Church with Archbishop Baldwin. 1191.

Effects of the Conquest in favour of the regulars.

On the whole we may say that the dispute between regulars and seculars, which had gone on since the days of Dunstan and Æthelwold, was, through the effects of the Norman Conquest, decided for several centuries in favour of the regulars. Between the coming of William and the fourteenth century a crowd of monasteries arose, and not many secular foundations. Many secular colleges, Harold's own Waltham among them, were turned into monasteries; very few monasteries were turned into secular colleges. Regulars of one class or another had the upper hand in the English Church for three hundred years after William's coming. The zeal for monks, which showed itself in the foundation of so many monasteries, showed itself also in the rising up of new orders. Cluniacs and Austin canons came in the train of William and Lanfranc,[2] to take their place alongside of the elder Benedictines. In the next age came the reform of the Cistercians, in the next came the reform of the Friars. And the fashion for founding monasteries of all kinds led to one form of endowing them which was unheard of in the earlier days of England, and which has proved a lasting source of evil in the English Church. We can hardly say whether it was to be called an abuse or not, when tithe which had been immemorially paid to the Bishop and his chapter was cut

New orders.

The Friars.

Appropriation of tithe to capitular bodies,

[1] See the whole history in the Epistolæ Cantuarienses, especially in the Preface of Professor Stubbs.

[2] See vol. iv. pp. 363, 500.

up into prebends to form estates for particular canons. But it was clearly an abuse when Bishops appropriated the tithe of parishes which had been already settled as parochial benefices to the behoof either of their chapters or of particular members of them.[1] And it was a further abuse when grants of this kind were made, not only to the diocesan chapters, but to monasteries, sometimes to distant and even foreign monasteries. This practice of appropriation of parochial endowments to monasteries illustrates several of the growing ideas of the time. Some traces may be found in Domesday of the old state of things, when the payment of tithe was preached as a religious duty, but when it was still open to the tithe-payer to pay his tithe to what church he would.[2] But appropriations more commonly grew out of the right of patronage or *advocatio*, a right which, in its origin a combination of right and duty, was stiffening into a mere property. A church or monastery found it expedient to choose some powerful neighbour as advocate, patron, or champion. Such patronage might often involve trouble, cost, and even personal danger; it was therefore reasonably enough rewarded with some share in the estates of the house or some influence over its elections and nominations. The right might exist on every scale, from the Emperor, Advocate of the Universal Church, to the smallest lord who was patron of the parish church on his manor. Or again, the right of patronage might grow, not out of the choice of the ecclesiastical body, but out of the rights which a founder reserved to himself and his heirs. In either case, patronage involved, what in later times has come to be its whole substance, a right of nomination, a right which naturally

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to monasteries.

Older usages as to tithe.

Patronage and advowsons.

Advocates chosen by ecclesiastical bodies.

Patronage reserved by founders.

[1] See History of the Church of Wells, pp. 88, 173.

[2] Domesday, 280. In the borough of Derby we read, "De Stori antecessore Walterii de Aincurt, dicunt quod sine alicujus licentiâ potuit facere sibi ecclesiam in sua terra et in sua soca, et suam decimam mittere quo vellet."

CH. XXIV. involves the duty of selection. But, by a process nearly the same as that by which so many other rights and duties stiffened into property, patronage, a combined right and duty, did the like; it became something not only to be inherited, but to be granted away and even sold at pleasure. The patron grew in much the same fashion in which the lord grew, and of course, in most cases, the character of lord and patron would be united in the same person. Not a few entries in Domesday show that a church, that is the advowson of a church, was already looked on as a matter of property which could be granted, sold, divided, or unjustly occupied in exactly the same way as any other property.[1] Here too the notion of *beneficium* overshadowed the notion of *officium*. Spiritual preferments, great and small, were ceasing to be looked on as offices with an endowment for the maintenance of those who held the office; they rather became benefices, livings charged, like a temporal benefice, with certain duties, but duties which might be discharged at pleasure in person or by deputy. The endowment of the church thus became a benefice, a property, and the right of the patron came to be looked at chiefly as a right to bestow that property, a right which was a property in itself. It was therefore one of the easiest forms of gift for the founder or benefactor of a monastery to give his churches, that is to say his advowsons, to the house which he wished to enrich.

Notices of patronage in Domesday.

Feudal view of ecclesiastical livings and ecclesiastical patronage.

Grants of advowsons to monasteries.

[1] In Domesday, 280, we find a string of entries at Derby following the formula "Edric habet ibi i. ecclesiam quæ fuit Coln patris ejus." This however is the only case of an English holder or of hereditary succession. In 298, among the possessions of Hugh the son of Baldric at York, is "ecclesia S. Andreæ quam emit." In 340, 353, 365 *b*, 356, 370, are various entries of persons holding "tertiam partem ecclesiæ," and the like. In the famous inscription over the south door of Kirkdale church in Yorkshire, we read how Orm "bought Saint Gregory's minster, when it was all tobroken and tofallen." This sounds like actually buying the fabric itself. At Ottringham in the same county we read in Domesday, 304, "Ibi ecclesia et presbyter est; quidam miles *locat eam*, et reddit x. solidos."

Appropriation of benefices to monasteries.

And when the advowson, the right to bestow the benefice, had come into the hands of ecclesiastical owners, it was an easy step for the patron to slide into the beneficiary, for the monks to take to themselves the tithe or other property of the church of which they already had the patronage, to become the corporate rector and to provide for its duties by deputy. All these processes were busily at work in the times which followed the Conquest; and they were, to say the least, greatly fostered by the ideas which the Conquest sometimes brought in and sometimes strengthened. The result was that a very large share of the parochial endowments of England came into the hands of distant, sometimes of foreign, monasteries. Tithe, whose payment had first been preached as a duty and then had been enforced by law, had thus thoroughly changed into a mere form of property. It became something which might be disposed of without any regard either to the will or to the profit of the tithe-payer, provided only it was paid into ecclesiastical hands. When the tithe of a parish in Hampshire might thus go to a monastery in Northumberland, when the tithe of a parish in England might go to a monastery in Normandy or France, the change did not seem so very great, when, in the sixteenth century, the tithes, as well as the lands, belonging to the suppressed monasteries were granted out as mere property to laymen. The lay rector is in this way an indirect fruit of the Norman Conquest, as the lord of the manor is a more direct fruit.

History of tithe.

Lay impropriations.

General effects of the Conquest.

I have now, in a general way, gone through the chief effects of that great event which is the subject of my history. I have traced its effects on the relations of England to foreign lands, on the working of her political, her local, and her ecclesiastical institutions. In all alike we see that tendencies which were already at work were strengthened and quickened. Changes which were already

Quickening of tendencies already at work.

CH. XXIV. beginning, but which, if England had been left to herself, would certainly have been more slow and would most likely have been less thorough, were carried out more thoroughly and more speedily. The influences which were at work over all Western Europe, influences which, for want of a better word, we cannot help calling feudal, were already working in England, and they would doubtless have gone on working, even if the Crown of England had passed on to a long succession of Kings of the House of Godwine. But under the foreign rule they worked faster and more fiercely. They came in more distinctly as innovations, as innovations brought in by the sword of the stranger. As such, they called out a national spirit of opposition in a way which could not happen in lands where they simply crept in unawares. The reign of *unlaw* paved the way for the reign of a better law than that which unlaw had displaced. It was because our old institutions were for a moment perverted rather than abolished, that we have been able to win them back under new shapes. It was because England had a dynasty and a nobility founded on foreign conquest, that she was able to make her Kings and nobles more truly national, less cut off from the bulk of the people, less fenced in by invidious powers and privileges, than the Kings and nobles of any other land. Had the shock of the foreign conquest never come upon us, we might have slumbered on till we woke to find ourselves under a despotism like that of France or an oligarchy like that of Denmark, with the poor comfort that our tyrants were our countrymen. Strangers whom we knew how to turn into countrymen have served our purpose better. Their coming into the land, their rule when they came into it, awoke the nation for ever. We have kept our freedom because we had to win it; had it never been for a moment wrested from us by force, it might have slipped away from us for ever. If our national life had

Feudal tendencies already at work.

Indirect benefits of the Conquest.

not been crushed for a moment, it might have sickened and died of a long disease. CH. XXIV.

Through the whole of this Chapter we have thus had before us at every step the general law that the Conquest did not so much bring in new tendencies as give new strength to tendencies which were already at work. There are still two subjects to which the same law applies, which by their nature seem to call for a separate treatment distinct from the general run of political, military, and ecclesiastical affairs. The Norman Conquest had a great and lasting effect upon our language; it has, not in its immediate but in its final results, changed our vocabulary more largely than the vocabulary of any European language ever has been changed without being wholly displaced by another language. It also had a great and lasting effect on our architecture, both ecclesiastical and military. But in both these cases again the same law largely applies. Changes both in language and in art had begun before the Conquest, though after the Conquest change worked, as in other things, more thoroughly and more speedily. To these two special subjects then, the influence of the Conquest on language and its influence on architecture, I purpose to give two separate Chapters before we come to that short narrative of its historical consequences which will wind up my whole work.

Effects of the Conquest on language and architecture.

CHAPTER XXV.

THE EFFECTS OF THE NORMAN CONQUEST ON LANGUAGE AND LITERATURE.[1]

No purpose on William's part to root out the English tongue.

OF all the dreams which have affected the history of the times on which we are engaged, none has led to more error than the notion that William the Conqueror set to work with a fixed purpose to root out the use of the English tongue. He is not the latest conqueror, or would-be conqueror, of England against whom such a charge has been brought. More than two hundred years after William's day, his successor Edward the First, in the course of the wars which, as Duke of Aquitaine, he waged against his faithless over-lord at Paris, found that it served his purpose to stir up the patriotism of his English subjects by setting forth the threatening horrors of a French conquest. Foremost among them stood the design of the enemy, if he succeeded in carrying out his purposes, to wipe out the use

Design attributed to Philip the Fair. 1295.

[1] In this Chapter I deal with philological matters in the only way in which I am competent to deal with them, that is, purely in their bearing upon history; but I have of course profited much by the writings of those who have gone deeper than I have done into the strictly grammatical relations of the English language. I am specially indebted to Dr. Guest's English Rhythms—unhappily the only book, strictly so called, which that great scholar has put forth—and to the writings of Mr. Earle and Dr. Morris; but I have perhaps made yet more frequent use—because the book so exactly suits my purpose as a summary of the whole matter—of Mr. Kington-Oliphant's volume, The Sources of Standard English.

of the English tongue.[1] By that time, though French was in constant official use in England, the French origin of the reigning family was practically forgotten. Yet nothing is more certain than that the Conqueror was hardly more likely than Edward himself to attempt a deliberate rooting up of the speech of their island kingdom. The notion that any such design was entertained comes from that great store-house of errors which, till very lately, so deeply affected the history of these times. The statement of the false Ingulf[2] proves only that, when the forgery was made, men were seeking for an explanation of the facts which they saw around them. French still was, or lately had been, the speech of official documents and of polite intercourse. Men sought to find a cause for a state of things which seemed so strange, and they could think of no cause except a deliberate policy on the part of a Conqueror whose own speech was French. The case is one of the many cases in which popular belief is so easily led to give to a single man the credit of changes which were really due to the gradual working of general causes. The long use of French in England as a polite and official tongue, the large French infusion which has made its way into our language, are among the fruits of William's Conquest. They are therefore among the fruits of William's personal character and actions. Had Eadward left a son, had Harold's soldiers kept their post

CH. XXV.

Error caused by the false Ingulf.

Phænomena of language in the fourteenth century.

Changes in language gradually following on the Norman Conquest.

[1] See the Summons to Parliament in Select Charters, 474, where it is said that the King of France "linguam Anglicam, si conceptæ iniquitatis proposito detestabili potestas correspondeat, quod Deus avertat, omnino de terrâ delere proponit."

[2] Ingulf, Gale, 71. Speaking of the dislike of the Normans to the English, the forger says, "Ipsum etiam idioma tantum abhorrebant quod leges terræ statutaque Anglicorum regum lingua Gallica tractarentur et pueris etiam in scholis principia litterarum grammatica Gallice ac non Anglice traderentur; modus etiam scribendi Anglicus omitteretur et modus Gallicus in chartis et in libris omnibus admitteretur."

CH. XXV. instead of following the flying Normans, the sentences which I am now writing might be kept as free from words of foreign birth as they still might be if I were writing in the tongue of Germany, Holland, or Denmark. But though, in this sense, the later history of the English language has been directly affected by the events of the Conquest, the way in which it has been affected by them is wholly different from that which is set forth in the Ingulfic legend. No legislative measure was ever passed against the use of the English tongue. The changes which did take place were the natural and silent result of circumstances, nor were those changes by any means sudden or immediate results of the Conquest. In this, as in all other matters, William made no more change than was absolutely necessary for his immediate purposes. That is to say, in the case now before us, he made no formal change at all. But the transfer of the English Crown to a French-speaking King, the partition of the highest offices and the greatest estates in England among his French-speaking followers, did lead, slowly but surely, to two results of the highest importance to the history of our language. French for a time supplanted English as the speech of courtly intercourse, of the lighter forms of literature, and of such official documents as were not written in Latin. The evil in this respect was temporary; in another respect it has been lasting, and we suffer under it to this day. As the French-speaking classes gradually came to leave off French and to make English their common speech, as the English-speaking classes gradually came to adopt words and idioms from what was supposed to be the politer tongue, a crowd of words expressing foreign things or foreign aspects of things made their way into our ancient speech. The result was that the native tongue of England received a greater infusion of foreign words than has been received by any other European

Gradual nature of the change.

Infusion of Romance words into English.

tongue. And the same causes did more than this. The shock which our language thus underwent, its fall from the rank of a courtly and literary speech to that of a mere speech of the people, heightened and hastened another process, which, had the Norman Conquest never happened, would doubtless have affected our language less swiftly and less fully. Had French never been spoken in England, had no French words intruded themselves into our language, the great change which distinguishes the English of our day from the English of a thousand years back would still have taken place. Of the elaborate system of grammatical inflexions which came naturally to the lips of Ælfred, our modern tongue keeps but few and feeble traces. But this change is in no way peculiar to ourselves; we share it with our Teutonic brethren on the mainland. The modern forms of the Scandinavian and the continental Nether-Dutch have, without the help of any Norman Conquest, become as little inflexional as the modern form of English. The High-Dutch indeed keeps a larger share of the ancient store, but the inflexions even of the modern High-Dutch are but fragments of the old grammatical wealth of our common fathers. Their survival too is, to a certain extent, artificial; their accurate preservation marks the tongue of polite literature, rather than the tongue of the people. Had no Norman ever set foot on our shores, the inflexional Old-English would still have passed, sooner or later, into the non-inflexional modern English. But the gradual and indirect effect of the Norman settlement among us was at once to hasten the inevitable process and to make it more complete.

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Loss of inflexions in English.

Shared with the other Low-Dutch and Scandinavian languages.

The change quickened by the Norman Conquest.

But besides the dream, now perhaps pretty well got rid of, that William the Conqueror or any other man ever laid a deliberate plan to get rid of the English language, there is another dream much more dangerous and which still

Errors owing to confusions in nomenclature.

CH. XXV. leads the minds of many into strange misconceptions of history. This is the dream that there was no such thing as an English language for William to get rid of. I have to protest at the end of my work, as I had to protest at the beginning, against the unhappy custom of speaking of all Englishmen who lived before the coming of William by some other name than that by which Englishmen have ever called themselves. Hence spring the further notions that the times before William's coming are something altogether cut off from our own times, that the men who lived in those times were not simply our own forefathers, but some other undefined, perhaps extinct, race of men. We have been gravely told that the English nation of which Æthelstan was King, that the English tongue which Ælfred wrote, had no being till the thirteenth century. This way of speaking is no mere confusion of nomenclature, no mere use of an accurate instead of an inaccurate name; it involves utter confusion and misunderstanding with regard to the whole history of our speech and nation. Of this matter I have spoken already in an earlier stage of this work.[1] But it is necessary to come back to the subject again, now that I have reached that stage of my undertaking in which I have directly to speak of the effects of the Norman Conquest upon our language. That language, I may briefly repeat, is, in its origin, simply a dialect of the Low-Dutch branch of the great Teutonic family, a dialect which was brought over into the conquered island of Britain by the Angles, Saxons, and other kindred tribes, in their great migration of the fifth and sixth centuries. For the purposes of the historian, we may say that they brought with them one language, and that that language remained substantially unchanged till the time of the Norman Conquest. In a strict philological view such a statement would be inaccurate. No extent

Origin and history of the English language.

[1] See vol. i. Appendix A.

of country so large as that which was occupied by the Teutonic settlers in Britain was ever without marked dialectic differences in different districts. Even now, when each nation has one classical standard of speech and writing, the popular dialects of different districts still keep large traces of their old diversities. And in early times, before each language had a fixed classical standard—that is to say before the language of some one district had won its way to the front and had come to be looked on as the one standard—those dialectical differences were yet more numerous and more strongly marked. While districts which are now firmly fused together into one whole were still isolated, while they were often hostile and held little intercourse with one another, none of them was likely to give up its own dialect for that of any of the others. Without coming down to smaller differences, the distinctions between Northern, Midland, and Southern English, between the speech, as we may put it, of the followers of Siward, of Leofric, and of Godwine, has been clearly marked in all ages of our history. It is a difference which it was not left for modern scholars to find out. William of Malmesbury complains of the difficulty of understanding the speech of Yorkshire,[1] much as Thucydides complains of the difficulty of understanding the speech of Ætolia.[2] A little later the same difference is still strongly marked by Giraldus Cambrensis;[3] and, when we come to writers of a few centuries later, the distinction

CH. XXV.

Different dialects of English,

Northern, Midland, and Southern.

Witness of mediæval writers.

[1] Gest. Pont. 209. "Sane tota lingua Nordanimbrorum, et maxime in Eboraco, ita inconditum stridet ut nihil nos australes intelligere possimus." William here speaks as an Englishman, and indeed as a West-Saxon.

[2] iii. 94. *Εὐρυτᾶνες, ὅπερ μέγιστον μέρος ἐστὶ τῶν Αἰτωλῶν, ἀγνωστότατοι δὲ γλῶσσαν, καὶ ὠμοφάγοι εἰσὶν, ὡς λέγονται.* This last rumour may perhaps be compared with the tales about the Scots eating man's flesh.

[3] Descr. Kamb. i. 6 (vol. vi. p. 177, Dimock). "In australibus Angliæ finibus, et præcipue circa Devoniam, Anglica lingua hodie magis videtur incomposita: ea tamen, vetustatem longe plus redolens, borealibus insulæ partibus per crebras Dacorum et Norwagensium irruptiones valde corruptis, originalis linguæ proprietatem, et antiquum loquendi modum magis observat."

CH. XXV. between the different forms of English is as clearly marked out as it could be by any modern scholar.[1] So again, as it is well always to remember that a space of more than six hundred years, a space much nearer half than a third of our whole national history, slipped away between the coming of Hengest and the coming of William, so it is specially needful to remember the fact in tracing out the history of our language. No language ever yet lived on wholly unchanged through a space of six hundred years. It is undoubtedly true that the change which those six hundred years made in the English language must have been much slighter than the change which the same space of time has often made in other cases. English certainly did not change so much in the six hundred years between Hengest and William as it changed in the six hundred years between William and Charles the Second. It did not change so much as the Latin speech of Gaul changed in the six hundred years between Gregory of Tours and Master Wace of Bayeux. Still the changes which happened in the English language within those six hundred years were in themselves by no means small. Modern Teutonic scholars are doing good service by pointing out the distinctions which may be marked between different stages of our language earlier than the time of the great change.[2] Still, for our present purpose, those changes are of little moment; they are simply examples of that constant silent process of change which is always going on in every language. During those six hundred years there was nothing which could be called a revolution in

Changes in the English language before the Norman Conquest.

Contrast with the changes

[1] See the whole chapter of Higden, i. 59 (vol. ii. p. 160); his summing up is, "Quod Mercii sive Mediterranei Angli, tanquam participantes naturam extremorum, collaterales linguas, arcticam et antarcticam, melius intelligant quam advicem se intelligunt jam extremi." See Garnett's Philological Essays, 41; Guest, English Rhythms, ii. 187, 194.

[2] See especially Mr. Sweet's Preface to his edition of Ælfred's Translation of the Pastoral of Gregory. Cf. Oliphant, Standard English, 36.

CH. XXV. after the Conquest.

language. There was no general change in grammatical forms; there was no large infusion of foreign words into the ordinary vocabulary. Within a much shorter space of time after the Norman Conquest both those changes had taken place. There had been something more than ordinary change; there had been a great, though not a sudden, revolution. Compared with the changes which followed the Norman Conquest, the changes which happened before the Norman Conquest seem as nothing. So too with local diversities of dialect. They existed before the Norman Conquest; they lived through the Norman Conquest; they have lived on to our own time. But, as the dialects of all parts of England were alike brought, though by no means equally brought, within the reach of those influences which the Norman Conquest set at work, my immediate subject has little to do with their differences. For our purpose we may look on the tongue of England, as it stood at the coming of William, as forming one tongue, one variety of Teutonic speech, now brought face to face with the Romance enemy. We may look on the tongue of Harold and Stigand as essentially the same as the tongue of Hengest and Ælle. We may look on the tongue of the Jute, the Angle, even of the Dane of Lincolnshire and Yorkshire, as essentially the same as the tongue of the Saxon. The common tongue of England, in all its varieties alike, was now brought within the reach of influences and causes of change which, in the long ages between Hengest and Harold, had never been brought to bear upon it.

Diversity of dialects of little importance for the present purpose.

§ 1. *Effects of the Conquest on the English Language.*

Changes following the Conquest.

The changes in language which followed the Norman Conquest were, as we have already seen, of two kinds. There is the great infusion of foreign words into our vocabulary, and there is the loss of inflexions, and the

The break-up of in-

CH. XXV. Inflexions and the influx of foreign words.

general break up of grammatical forms. Of these the former was a direct result of the Norman Conquest; the latter, so far as it was a result at all, was an indirect result. The change in grammar has its parallel in other Teutonic languages; the change in vocabulary, in anything like the degree in which it took place in English, is peculiar to our own tongue. It was the direct result of what happened in Britain and did not happen elsewhere; namely, the conquest of a Teutonic people by Romance-speaking conquerors. Still this change, the change in our vocabulary by the infusion of a vast number of foreign words, is only an example on an unusual scale of a change which always more or less affects all languages. No language is wholly pure; none has ever yet kept itself wholly free from the intrusion of foreign words into its vocabulary. New ideas, unknown objects, call for names which the language does not supply. And when those ideas, those objects, come from a foreign source, it is often easier to adopt the foreign name along with the foreign thing than to devise a new and appropriate name for it in the native tongue. All languages have adopted words in this way. Conquerors have borrowed words from the conquered; the conquered have borrowed words from their conquerors; nations have borrowed them from one another in the ordinary way of peaceful intercourse. But words like these are of the nature of technical terms. They are additions, sometimes needful, sometimes needless, to the vocabulary of the language; but they are simply additions. They do not displace anything. The foreign word becomes naturalized; but it does not turn a native word out of its place; it is not even set up as a rival to a native word. The case is different when, from whatever cause, a language takes foreign words into its vocabulary to express ideas which it already has native words to express. The first process takes place as a matter

Influx of foreign words in all languages.

Foreign ideas keep their foreign names.

Native words displaced by foreign words.

of course, to a greater or less degree, in every language; the second is not likely to take place to any appreciable extent in any language which has not special and powerful influences brought to bear upon it from without. Influences of this kind were not brought to bear upon the English language in the days before the Norman Conquest; their introduction was one of the most striking and lasting results of the Norman Conquest. In earlier days the English language had adopted a certain number of foreign words from more sources than one; but they were adopted to express ideas which were hitherto unknown; they therefore neither displaced native words nor set themselves up as rivals beside them. When our forefathers came into Britain, they found many objects which were new to them, and for which their native speech supplied no names. For several of those foreign objects they kept the foreign names, Celtic or Roman. Their descendants do exactly the same thing at this moment, as often as they conquer, or settle in, or even simply visit, a foreign country. We have not only borrowed words in this way from all the civilized tongues of Europe and Asia; we have borrowed a few words even from those nations of America and Australia which we have made it our business to sweep away far more thoroughly than our fathers swept away the Briton from Kent and Norfolk. The very names of those districts illustrate the law. Sometimes the native name of a district perishes; sometimes it survives. Kent has kept its British name through the process of change which gave more than one Teutonic name to Norfolk. So Massachusetts has kept its Indian name through the process of change which gave more than one Teutonic name to New York. So it is with great natural objects; the rivers very largely, the hills more sparingly, keep their native names. No one in any age has thought of changing the name either of the Thames or of the Susquehanna. And,

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Foreign words in the earliest English.

Roman and Celtic names of objects.

Modern parallels.

Illustrations from local names.

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Foreign words adopted at or before the English Conquest.

as it is with proper names, so it is with the names of other objects which are strange to the new-comers. *Pagoda*, *wigwam*, *pah*, are words which have crept into our language through the process of conquest and settlement in later times. *Street*, *port*, *chester*, are words which crept into our tongue through exactly the same process in earlier times. A paved road, a town with walls and gates, were things which our forefathers had never seen in the older England. They knew a *way* and a *path*; they could raise a *hedge* round a *borough*;[1] but a *street* leading through a *port* into a *chester* was something so different from anything that they had before seen that they called all those objects by their Latin names.[2] It makes no difference that, in this case, the objects which awakened their wonder were objects which belonged to a higher state of civilization than their own, while, in the case of wigwams and pahs, the comparison lies the other way. The mere process of language is exactly the same in the two cases. The ground for keeping the native name is not that the object described by it is better or worse, but simply that it is strange. Nor does it make any difference that the few words which make up this first foreign infusion into English have all been in some way modified in use or meaning. *Street* is now scarcely ever used of any road except one inside a town. *Port*, in the sense of town, is now known only in a few compound words, like *Port-reeve* and *Portmeadow*.[3] *Chester* is now unknown, except in proper names, either alone or in composition. But the history of the

[1] See the Chronicle, 547 (cf. vol. i. p. 338), for the successive fortifications of Bebban*burh*.

[2] The word *street* may have come into the language even before the English settlement in Britain. It is used in Beowulf, 637, "Strǽt wæs stân-fâh," and in 476, "Ofer lagu-strǽte," and in 1022, "mere-stræta," just like the Homeric ὑγρὰ κέλευθά. But the word is none the less foreign.

[3] The name of the still abiding folkland of the freemen, the elder citizens—shall I say the patricians?—of the city of Oxford. See Comparative Politics, 281, 282.

words, and their analogy with some of the foreign infusions of later times, is in no way touched by these instances of the caprice of language. CH. XXV.

British words adopted in the earliest English.

This class of foreign words came from the Latin and not from the Welsh. They are the names of objects which, when the Roman conquerors brought them in, must have been as strange to the Briton as they were in after days to the Englishman. But a few Welsh words crept in also. Only, while the few Latin words which were adopted at this stage marked the great works of Roman civilization which could not fail to strike the conquerors with amazement, the somewhat longer list of British words are, as philologers have often remarked,[1] almost all of them names of small domestic objects. They are, in short, the kind of words which would be brought in by women and slaves. Far more important than the British infusion into English is the second Latin infusion, the words, chiefly ecclesiastical, which came in with the Roman missionaries. These, like the first Latin infusion, are strictly of the nature of technical terms. *Bishop*, *Priest*, *Mass*, and many others, were names of things which were new to the heathen English, and for which they had no names in their own tongue. Our teachers from beyond the Alps taught us also to call the great barrier between them and us by the geographical name of the *Mountain*. Before the Norman Conquest this name is applied to the Alps only; afterwards, even within the days of the English Chronicles, it came to be applied to the lowlier heights of our own island.[2] And there is also a string of Latin words, names of fruits and the like, of which it is not easy to say whether they

British words chiefly domestic.

Second Latin infusion; ecclesiastical words.

Names of objects which may

[1] This remark was I suppose first made by Garnett. See his list of Welsh words in his Philological Essays, p. 161.

[2] In the description in the Chronicles, 887, of the division of the Frankish dominions, the Italian Kings take "to þam landum on þa healfe *múntes*," just as we now speak of *Ultramontane*. It is not till 1095 that we read how "þa Wylisce a toforan into *muntan* and moran ferdan."

CH. XXV. belong to the first or to the second infusion, whether we

be of either date. found them in the land and learned their names from the Britons, or whether missionaries, merchants, or pilgrims brought in names and things alike during the second stage.[1] In either case the names of the *pear* and the *cherry* came into our language by a process exactly the same as that which has made *tea* and *coffee* familiar words in later times.

Words of both these classes mere additions to the vocabulary.

Now both this first and this second infusion are, as I have said, instances of the law which affects all languages, the law by which foreign objects for which a language supplies no name keep their foreign names. With one or two doubtful exceptions,[2] the Latin words which came into English at both these stages are strictly additions to our vocabulary; they did not displace native words. Even in accepting a new religion, and with it a new religious vocabulary, our fathers adopted no more foreign words than they could possibly help. A crowd of ecclesiastical words which we now use in a Latin form were then boldly translated into our native English.[3] So strong was the feeling in favour of keeping to the native tongue whenever it could be done, that in the Low-Dutch, both of England and of the continent, in the English Gospels and in the great Christian poem of the Old-Saxons, the Founder of Christianity bears the name, not of the Saviour

Many religious terms translated.

[1] Mr. Pearson (History of England, i. 651) gives a long list of words of this class. Some of his examples are to the purpose; in others he has mistaken common Aryan origin for derivation, like the German who, wishing to get rid of Latin words, began by forbidding *Vater* and *Mutter*. See also Earle, Philology of the English Tongue, 18; Morris, Historical Outlines, 29.

[2] I refer to such words as *meowle* and *fæmne* (see Earle, u. s.), if these really are Latin words.

[3] This nowhere comes out more strongly than in some of the early entries in the Chronicles. 30, "Hær wæs Crist *gefullod*;" 33, "Hær wæs Crist *ahangen*;" 34, "Her wæs Sēs Paulus *gehwyrfed*;" 63, "Her Marcus se *godspellere* forðferde."

but of the *Healer*.[1] Such was the language, a language whose native vocabulary had been enlarged by a few technical words borrowed from the Roman, and a few words of meaner use borrowed from the Briton, but on whose essential character these foreign elements had wrought no perceptible change—a language in which page after page might be written without a single foreign word—which our fathers spoke when their own tongue was to meet face to face with a rival on its own ground. The slight change which was caused by the Danish conquest hardly concerns us here. Philologers have pointed out not a few words and forms which may rank as a Scandinavian infusion into English;[2] but the mere student of history finds the coming of the Dane marked by little more than a change of name in a single office. The shire is no longer ruled by its *Ealdorman* but by its *Earl*. But, even if the Scandinavian influence on English had been far greater than it was, the tongue of the Dane would have been simply a third Teutonic dialect, alongside of the tongues of the Angle and the Saxon. All three would have formed but a single whole in the face of the coming Romance invasion. In this matter also, as in all others, the days of King William cast their shadow before them in the days of King Eadward. When Robert the son of Wymarc and Richard the son of Scrob settled on English ground, they brought with them at least one French thing with a French name in the form of the hateful *castle*.[3] And, as Eadward loved to surround himself with Romance-speaking courtiers, one of them, if he did not bring his office from beyond sea, at least brought with him a new name for his office, when the writ and seal of the English King were

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Teutonic character of the elder English.

Slight Danish influence.

Ealdormen and Earls.

French words brought in under Eadward.

[1] The *Heliand* is the well-known name of the Old-Saxon poem. So in the English Gospels "se *Hælend*" has displaced the proper name Jesus.

[2] See Garnett, Philological Essays, p. 188; Standard English, 41, 47.

[3] See vol. ii. p. 140.

CH. XXV. The Conquest itself.

first issued by his Norman *Chancellor*.[1] Then came the actual Conquest, the settlement of the French-speaking King and his following of French-speaking Earls, Bishops, knights, clerks, and citizens. They spread themselves through every corner of the land, and took their place, instead of or alongside of Englishmen, in every rank above the villain. Nothing is plainer than that, from the very first, crowds of Englishmen must have found it needful to learn French, and crowds of Frenchmen must have found it expedient to learn English. The wonder is that, for so long a time, the two languages went on side by side, almost untouched by one another's presence. In the later years of the Chronicles a few French words creep in. We must now say French; for this third infusion is not, like the two earlier infusions, a direct Latin infusion. It is an infusion of words which are indeed of Latin origin, but which came to us, not in their older Latin shape, but in the shape which they had taken in the Romance speech of Northern Gaul. A few Norman objects and Norman ideas keep their French names. William Rufus builds the *tower*,[2] and Robert of Belesme is, to the joy of all men, in *prison* done.[3] The tower was something of which men had not before seen the like in the land, and the doing of men in prison was a thing which had, to say the least, become far more common since the elder William came into England. *Justice* too, not in the general sense of right, but in the special sense of heavy and speedy vengeance on offenders, was, if not a new idea, a thing which was far more on men's lips than it had been in the elder day. We therefore read of the good justice which Henry of Anjou did, and which his predecessor Stephen failed to do. All these words may in some sort pass for technical terms. They are additions to the

Necessity of understanding both French and English.

Third infusion, from the French instead of the Latin.

French words in the Chronicle.

[1] See vol. ii. p. 359, and above, p. 432.

[2] Chron. Petrib. 1097, 1100.

[3] Ib. 1112. "Rotbert de Bælesme he let niman and on prisune don."

vocabulary of the language which are accounted for by the circumstances of the time. In one case only do we find a French word in the Chronicle where an English word would have expressed the same meaning as fully and as clearly. Under the Conqueror we heard of the good *frith* that he made in the land; of the two Henries, his son and his great-grandson, we read that they made *peace*.[1] Here in this last case we have perhaps the very first beginning of a process which has gone on ever since, the process by which foreign words have been added to our language, not only when they were really needed to express things which had no English names, but when there were English words in use which would have served the purpose as well. No difference can be seen between the *frith* which was made by King William and the *peace* which was made by King Henry. When the Chronicler wrote *peace* when *frith* would have done as well, he was, perhaps for the first time in the history of our language, doing exactly the same thing as the modern writer who uses any other word of French or other foreign birth when he has a plain English word at hand which would in most cases set forth his meaning far more clearly.

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"Pais" for "Friþ."

Beginning of the displacement of English words.

But by the time that we reach the last pages of the Peterborough Chronicle, another kind of change has come in. The language has not only begun to take in foreign words, as it had done more or less from the beginning—it has not only reached the further stage of taking them in when they were not needed—the language itself is beginning to change. The few foreign words which had thus far crept in had in no way affected the integrity of the English tongue; but that tongue itself was already affected

[1] Chron. Petrib. 1137, of Stephen, "He na *iustise* ne did;" 1087, of William, "þat gode friþ þe he macode on þisan lande;" 1158, of Henry the Second, "for he dide god *iustise* and makede *pais*." On Henry the First, see above, p. 153.

ch. xxv. by a cause which the Conquest did much to strengthen.

Loss of inflexions common to all languages.

All languages, as I have already said, have a tendency to lose the elaborate systems of inflexion with which they began. Men become too idle or too careless to regard minute distinctions of endings, just as they become too idle or too careless to give every letter its full sound.[1] There is probably no stage of any language in which every grammatical nicety is strictly attended to in ordinary speech. The real wonder is that they ever were attended to at all, that the elaborate system of the Greek or the Gothic inflexions was preserved, as in any case it must have been, for many ages without the use of writing. When a language is written, when it becomes the instrument of literary composition, a check is at once put on the process of decay. A standard of correctness is formed which for literary purposes may last for ages. In the very earliest Greek that we have, in the Homeric poems themselves, we can see the beginnings of the changes which distinguish modern Greek from ancient. In the earliest Latin inscriptions we can see the beginnings of the changes which distinguish modern Italian from Latin. But in each case a literary standard was fixed. One among the languages of Italy became the sole instrument of literary composition, and one among the dialects of Greece became the sole instrument of literary prose composition. But, alongside of both, the local dialects, the colloquial forms, the hasty and careless speech which did not always trouble itself to give every word its right ending, went on to take a more definite shape in later times in the form of the Romaic and Romance languages. For eighteen hundred years the literary or courtly ascendency of Athens, Pergamos, Alexandria, and Constantinople kept up one fixed standard of literary Greek. But Polybios no more wrote in the ordinary colloquial speech of his own

Check put on decay by the use of writing.

Instances in Greek, and Latin.

Origin of Romaic and Romance.

[1] Max Müller, Science of Language, i. 41, ii. 185.

city than Chalkokondylês did.[1] So it was with English. As long as there was a native court, native nobles, native prelates, a native literary class who loved to read the Chronicles or to hearken to the songs of their own people, so long there was a fixed standard of literary English, just as in after days there came to be a fixed standard of literary English again. But for three hundred years English ceased to be a literary and courtly language. English became, in the face of French, pretty much what Welsh is now in Wales in the face of English. The comparison is not quite exact. English never went so utterly out of official and polite use in England as Welsh has done in Wales. In the modern Principality there are many among what are called the upper classes who profess a strong Welsh patriotism, especially if they happen to be of English birth. But the British tongue is to them a foreign tongue. If they know anything about it at all, they have learned it of set purpose, as a matter of curiosity. But during the whole time when French was the polite language of England, it is certain that very many of the French-speaking classes in England could speak English on occasion, and that many who could not speak it understood it when it was spoken. Still, in the rough way in which alone one state of things ever resembles another, the position of Welsh now gives a fair general idea of the position of English then. English had become a mere popular tongue, a vulgar tongue, the tongue which was the daily speech only of the less cultivated classes. The tongue of learning was Latin; the tongue of polite intercourse was French. Thus there was no longer any fixed literary standard of English; the chief check on that process of decay which goes on in all times and places was taken away. It followed then, as a matter of course, that, besides the introduction of foreign words

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Elder literary standard of English destroyed by the Conquest.

Comparison of the history of English and Welsh.

[1] See Comparative Politics, 314, 491.

CH. XXV. into the language, the language itself became corrupted.

Corruption of the language itself. There was no longer anything to check the natural tendency to disregard the grammatical delicacies of the written language. Men wrote as they spoke, and they spoke as it gave them least trouble to speak. The old distinctions, the old inflexions, were no longer regarded. The change comes in with a rush, as soon as the generation which had been taught by men who could remember the

Later part of the Chronicle. old time had died out. The later pages of the Chronicle, though they contain passages of the highest natural eloquence, are, in point of mere language, utterly corrupt. It needs a skilful philologer to mark the difference between the English of the days of Ælfred and the English of the days of Harold. But any one can mark the difference between the English of the days of Harold and the English of the days of Stephen. One most important difference is that, while special study is needed fully to understand the elder form of the language, any one who understands modern English, if he has any share at all of linguistic tact, can pretty well make out the last few pages

Beginning of modern English in the loss of inflexions. of the Chronicle. That is to say, the language had begun to take one great step towards its modern form by casting aside or confusing all grammatical delicacies. The same

Illustrations from the Scandinavian and High-Dutch languages. thing has happened with the kindred tongues. A man who has never learned the Scandinavian languages, but who tries to make them out by the help of English and German, will find, perhaps somewhat to his surprise, that his knowledge of modern English helps him more with modern Danish than his knowledge of Old-English helps him with Old-Norsk. In the like sort, some of the local forms of High-German, in which no great heed is paid to inflexion, strange and uncouth as they seem at first sight, will soon be found to come nearer to English than the classical High-German. That is to say, while the different Teutonic dialects have in some points been parting away from

one another, in one point they have been drawing nearer to one another. By getting rid, more or less completely, of the ancient system of inflexions, the vocabulary of each tongue has been brought nearer to the original roots, and the identity of those roots is thus enabled to stand forth more clearly. CH. XXV.

In this way we see that, before a century had passed from the coming of William, before the English Chronicle had died out in the last broken sentences which record the coming and the praises of Henry of Anjou, the Norman Conquest had affected the English language in two ways. It had had a direct effect by adding to the number of words of Latin origin in the English tongue. And it had done this in a new way, by bringing in words which did not come direct from the Latin, but which had already gone through the stage of passing from Latin into French. And many of these French words no longer expressed new ideas, but merely displaced or stood beside English words of the same meanings. The Conquest also indirectly affected the language by thrusting it down from the rank of a literary to that of a mere popular language, and thereby taking away the chief check to that process of decay which affects all languages. Both processes were gradual. French words were constantly coming in, inflexions were constantly dropping off; but, for more than two hundred years after the coming of William, both processes, though they were always going on, went on but slowly. That is, they went on but slowly as long as the two languages really lived on, side by side, like two streams flowing side by side, but not intermingling. During this time a very large part of the people of England must, like a large part of the people of Wales now, have habitually spoken two languages. The difference between the French-speaking and the English-speaking man did not always mean that the one could speak no English and the other could

Summary of the linguistic results of the Conquest.

Gradual nature of the changes.

Use of French and English side by side.

CH. XXV. speak no French. It simply meant that the one spoke French at his fire-side and English only on occasion, while the other spoke English at his fire-side and French only on occasion.

Each tongue understood by many who could not speak it.

And we must also remember that many of each class would understand the language of the other, even when they could not speak it. When a language is learned as a mere matter of book-learning, a man may read a language with perfect ease, though he can neither speak it himself nor understand it when others speak it. The written words are familiar to his eye, but their sounds are not familiar to his ear. And, of the two, he commonly finds it easier to speak the foreign language himself than to understand it when it is spoken by others. He can understand each word by itself, but the general sound of the language is strange to him. In a time when there is comparatively little book-learning, but when several languages are spoken in the same country, the case is exactly opposite. The sounds of all are familiar; and it may happen that a man can thoroughly understand a language when spoken which he can scarcely speak at all himself. And we must remember that, in every country of Western Europe, the sound of one language beside the vernacular must have been perfectly familiar. Everybody in England was used to the sound of Latin as well as to the sound of English. Everybody in Normandy was used to the sound of Latin as well as to the sound of French. This alone would make it more easy for each to become familiar with the sound of a third language. The state of a man who perfectly understands a language, though he can speak it only imperfectly or not at all, is recorded in the case of several illustrious men, and the like must have been the case with myriads of men of whom it is not recorded. Charles the Great, eloquent in Latin as well as in German, understood Greek when spoken, but could not speak it well himself.[1] Frederick

Use of Latin.

Case of Charles the Great;

[1] Eginhard, Vita K. 25. "Latinam ita didicit, ut æque illa ac patria

Barbarossa, eloquent in German, understood Latin when spoken, but spoke it himself only imperfectly.[1] So in our own land, an incidental story lets us know that Henry the Second understood spoken English, though it would seem that he could not himself speak it.[2] In the reign of his son we find a Bishop of Norman birth mentioning it as something remarkable and blameworthy in another Bishop of Norman birth that he understood no English.[3] In the same generation we find an Abbot of Saint Eadmund's, the famous Samson, counting it as a merit in an English churl whom he raised to the rank of a lord-farmer that he could speak no French.[4] It is plain then that, throughout the twelfth century, though French was the home-speech of the higher ranks and English the home-speech of the lower, there was at least nothing wonderful in a man of the highest rank being able to speak English, or in

of Frederick Barbarossa; of Henry the Second of England. English understood by men of rank under the Angevins.

lingua orare sit solitus; Græcam vero melius intelligere quam pronuntiare poterat."

[1] Radevic, iv. 80 (who clearly copies Eginhard); "In patria lingua admodum facundus, Latinam vero melius intelligere potest quam pronuntiare."

[2] The story is told more than once by Giraldus Cambrensis, It. Kamb. i. 6, Expug. i. 40, where a Welshman speaks to Henry the Second in English (quasi Teutonice). The King clearly understands him, but he either cannot or will not answer him in the same tongue. Henry speaks in French (lingua Gallica) to a knight of Glamorgan, Philip of Marcross, who explains the King's meaning to the Welshmen in English (Anglice). The fact that the knight of Glamorgan both understood and spoke English, while the King understood it but did not speak it, is worth noting. I conceive that "Teutonice" is simply the grand style for English. If any one chooses to take it for the speech of the Flemings, it shows that Flemish and English were so near that he who understood one, understood the other. Thierry (iii. 98) prefers to quote the story from Bromton (1079) rather than from Giraldus, and misapplies it to prove that Henry did not understand English. For other cases of the use of English see Appendix WW.

[3] See the letter of Hugh of Nonant, Bishop of Coventry, about William Longchamp, Bishop of Ely (see Appendix W.), in Benedict, ii. 219; R. Howden, iii. 146.

[4] This story is told by Jocelin of Brakelond, 24. "Unum solum manerium de Torp carta sua confirmavit cuidam Anglico natione glebæ adscripto, de cujus fidelitate plenius confidebat, quia bonus agricola erat, et quia nesciebat loqui Gallice."

CH. XXV. a man of the lowest rank being able to speak French, when so to speak was needful for either of them.

Rare notices of language in the twelfth century.

One of the most singular things connected with this branch of our subject is that, throughout the twelfth century, our notices of language in any way are so few. Here and there, as in some of the cases already quoted, we are told what language a man spoke or did not speak; but we are far oftener left to guess. I do not remember that, in the vast mass of literature which has gathered round the quarrel of King Henry and Archbishop Thomas, there is any distinct notice of the kind. We see that Thomas and many of those about him were in feeling very good Englishmen; we are not told when they spoke French and when they spoke English.[1] A reader who knew nothing of the real state of things might be tempted to think that they spoke nothing but Latin. One thing at least is certain; the use of French as an official language, though undoubtedly a result of the Norman Conquest, was a very gradual and distant result. English went out of use, but for a long time French did not come in. From the days of Æthelberht English and Latin had been alternative languages for public and private documents, and in the days of William they remained so. Under William himself, though most of his writs and other acts are in Latin, a good many are in English; not one is in French. The English writs of William follow the ancient formulæ, and it is curious to see a document which otherwise might have come from Cnut, if not from

Slow introduction of French as an official language.

English writs of William.

[1] It is mentioned in one of the letters of Thomas (No. 346, Giles, iv. 191) that the Empress Matilda ordered the Constitutions of Clarendon to be read in Latin and explained in French ("præcepit nobis eas Latine legere, et exponere Gallice"). In Alan's Life of Thomas (Giles, i. 358) the Earl of Arundel speaks "eleganter, sed in sua lingua;" that is doubtless in French. Lyttelton (iv. 77) and Berington (Henry the Second, 133) both make him speak English. In both these cases the opposition is not between French and English, but between French and Latin.

Eadgar, crowded with Norman names. But after William's day documents in the national tongue become rarer, and after Henry the First they are rare indeed.[1] But it is by Latin, not by French, that the place of the national tongue is taken. French does not come in till a later time, and the time when it does come in is most significant. While the Conquest was fresh, while the distinction between Norman and Englishman was still sharply drawn, the English language remained in frequent use. As Norman and Englishman began to draw nearer together, the common tongue of Western Christendom was used instead of the distinctive tongue of either of them. It is only when differences were forgotten, when all the men of the land were alike Englishmen, when all Englishmen were leagued together in the common struggle against the stranger, that the tongue of the stranger became a common tongue for official documents. All through the thirteenth century, while everything else is getting more and more English, the official speech is getting more and more French. This may at first sight seem to be an anomaly; but the cause is plain. As long as a broad line was drawn between Normans and Englishmen, the use of the French tongue was a badge of conquest; it was an insult to the conquered English. And, whatever smaller people may have done, most certainly no King, hardly Rufus himself, was at all likely to do anything that would be a mere useless insult to his English subjects. It was a kind of compromise between the two hostile tongues—between the tongue of the people which was strange to men high in rank and office and the tongue of men high in rank and office which was strange to the people—when it was silently agreed to lay both aside in favour of that Imperial tongue which was equally familiar or equally strange to men of both nations. But, when old wrongs

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Increased use of Latin.

Use of French a sign of the fusion of races.

[1] See Appendix WW.

CH. XXV. and differences were forgotten, when the descendants of the Norman settlers had become Englishmen in feeling, things altogether changed. The use of the French tongue was no longer an insult, even to those who did not themselves understand it. It was no longer a badge of conquest, but simply a matter of convenience, to make use on many public occasions of the tongue which was most familiar both to the courtly and to the literary class. It is a speaking fact that the first certain instance of the use of French in an official document should come in the year of the Great Charter and from the hand of Stephen Langton.[1]

Use of French under Edward the First.

So, in the reign of Edward the First, Acts of Parliament, public letters, and the like, are commonly written in French and are never written in English. This is in truth one of the many signs that the fusion of Normans and English was now complete. French was still the tongue which was best understood by the mass of those who had a hand in public affairs; but its use was no longer felt as marking them off as a conquering class from the mass of a conquered nation.

It was thus a result, but a most indirect result, of the Norman Conquest that the tongue of the Norman conquerors seemed for a while to become the public language of England. For a while it utterly displaced the national tongue; it partially displaced even the common tongue of Western Christendom. This was a distant result of the Conquest, one which could not take place till the immediate results of the Conquest had passed away. But, before we come to this stage, there is one moment, one of the greatest moments even in that great age, when we see the three tongues which men spoke in England employed side by side to announce one of the triumphs of English freedom. The proclamation in which the Provisions of Oxford were announced to the English people was put forth in Latin,

The threefold Proclamation of 1258.

[1] See Earle, Philology of the English Tongue, 53.

in French, and in English. Its English form has been spoken of, from different points of view, as the first and as the last of English public documents. Now it has been remarked by a master of English philology that this document bears the stamp of being put into form by some one to whom English composition was unusual. It does not belong to any natural stage of any English dialect. Its spelling is strange and artificial; it looks like one of those cases in which a man, in striving to reproduce the peculiarities of a tongue with which he is little familiar, reproduces them in an exaggerated shape.[1] This document, the document which bears among its signatures the name of England's deliverer written in the English tongue, the document signed by "Simon of Muntfort, Eorl on Leicester," is perhaps the only piece of English of that age which was addressed to the whole English nation. Since English had ceased to be a literary language, since it had ceased to have one common literary standard, there had been nothing to check the diversities of local dialects. Each man who wrote, wrote in the speech of his own district. Each man followed the spelling which he thought best expressed the sound, even if he did not, as was done by at least one ingenious writer, devise an elaborate system of spelling for himself.[2] The royal official, whoever he was, who was called on to draw up the three forms of the famous proclamation of Henry the Third must have been perfectly familiar with the sound of English; he could no doubt speak it, whenever there was any need for him so to do. But he was not likely to be in the habit of English composition; when he wrote, he was doubtless wont always to write either in French or in Latin. It is not wonderful then that his English should not be the natural English of the time. It was as when

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No standard of English.

[1] This is Mr. Earle's remark, Philology of the English Tongue, 69-72.

[2] Like Ormin, on whose spelling see Dr. White's Preface, lxxx; Earle, 51.

CH. XXV. an educated man tries to write in a provincial dialect; he never writes it exactly as it is spoken by those to whose lips it comes as a matter of course. Still both the political and the linguistic importance of this famous document is of the highest order. It shows that those who were in power fully understood that the class who understood only English, at any rate the class to whom English was more familiar than either French or Latin, was a class which was entitled to have its share in a national movement and to know all that was being done for the good or the ill of the nation. A proclamation of this kind was something which needed to be brought within the knowledge of every man; an Act of Parliament or a state paper was something of a different kind. At no time is the actual text of the law very familar to the mass of those who are called on to obey it, or the exact text of a treaty very familiar to all who are bound by it. That such documents should be written in French could be no real grievance to those who never grumbled at their being written in Latin. The use of French was convenient to one part of the nation, and it did no damage to the other. The English proclamation of Henry the Third proves that the English-speaking part of the nation was not neglected; the French documents of Edward the First in no way prove that it was.

Importance of the document.

True aspect of the official use of French.

It is also possible that the more frequent use of French which marks the latter part of the thirteenth century may have something to do with another cause. Under the circumstances of the Norman and English races in England it was, as I have just shown, only natural that the tongue of the Norman should make its greatest apparent conquest just at the time when the Englishman had made his greatest real conquest. It was then that the Romance speech of Northern Gaul won that place as the official speech of England which it has not quite lost

yet. But it may be doubted whether it was purely in the character of a Norman tongue that it won that place. Besides the causes which were at work in the relations between Englishmen and Normans, the process is not at all unlikely to have been helped by a direct influence from France. The thirteenth century was the time when the French tongue had reached the height of its influence, the time when it was the tongue of half the courts of Europe, from Scotland to Cyprus. And we have seen[1] that, great and English as Edward the First was in his main character, there was still a French side to him; and it seems likely that under him the foreign influence which, as a matter of politics, was swept away, went on and was actually strengthened as a matter of fashion. There is no doubt that Edward the First could speak English familiarly; it might almost seem that he spoke it habitually.[2] But this is in no way inconsistent with the belief that in his time the use of French as a fashionable language received a new impulse. There are states of society in which people speak a language, not because it is the one which is most familiar to them, but because it is the one whose use is thought to be the sign of the highest politeness and refinement. This cause may very well have helped to give French a new start just at the time when other causes were giving the advantage to English. And this seems to be borne out by the fact that, from about this time, we come across signs of a distinct consciousness on the subject, of a habit of speculation on the relations between the different languages used in the country. Of such a feeling we have seen

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Possible influence from France under Edward the First.

Edward's knowledge of English.

First signs of speculation on the subject of language.

[1] See above, p. 483.

[2] When the Turkish ambassadors are brought before Edward (Walt. Hem. i. 337), "Et ait Edwardus in Anglico, 'vos quidem adoratis me sed minime diligitis;' nec intellexerunt verba ejus, eo quod per interpretem loquerentur ei." This is a most remarkable case, as English and French would be all the same to the Turks, and Edward could hardly have been without a French-speaking interpreter. See Appendix WW.

CH. XXV. nothing before,[1] and it would seem to have been called out by some new and special cause. It is now that, for the first time, an English chronicler stops to explain how it came that French as well as English was spoken in England. And in so doing, he uses for the first time the word "Saxon" in that modern sense which has led to so many mistakes and confusions.[2] This conscious speculation about the matter stands in marked contrast with the tone of the Chroniclers of the very days of the Conquest, who, while they felt the difference between a foreign and a native King, seem hardly to have known the cause of that difference.[3] The distinct voice of "nationality" is first heard at the moment when all pretence for talking about an "oppressed nationality" was swept away. The poet forsakes the old formula of "French and English" for the new formula of "Normans and Saxons." He does so because in his days "Normans" and "Saxons" had come to be simply two classes, no longer very well defined classes, of Englishmen. He complains, perhaps not with much truth in a general view of the history of the world, that "there is no land that holdeth not to its kindly speech save England only." Here are the words of a distinct protest, a protest which goes on through the whole of the century which followed. We find it made matter of complaint that the children of the English gentry were taught French from their childhood,[4] and that men who could well speak English chose rather to speak French. Men now learned to remark that the native speech of Eng-

Robert of Gloucester's use of the word "Saxon."

Witness of Randolf Higden.

[1] The philological speculations of Giraldus and Roger Bacon (see Comparative Politics, 486) do not bear at all on these points.

[2] I have quoted the passage of Robert of Gloucester in vol. i. p. 599.

[3] See vol. iv. p. 618.

[4] See Higden, ii. 159. I quote him in the version of Trevisa; "Also gentil men children beeþ i-taust to speke Frensche from þe tyme þat þey beeþ i-rokked in here cradel, and kunneþ speke and playe wiþ a childes broche; and vplondisshe men wil likne hym self to gentil men, and fondeþ wiþ greet besynesse for to speke Frensce, for to be i-tolde of."

land was cut up into an endless variety of dialects, while the strange speech which had come in with the Normans was spoken after one fashion only.[1] All this is the language of an age of reflexion, of an age when the feeling of nationality, and of language as the great badge of nationality, was conscious and strong. And nothing could better tend to strengthen such feelings than the state of things which went on through the greater part of the fourteenth century. This was a state of things marked by constant rivalry and warfare with France as a power, combined with increasing influence of French ways as a matter of fashion. Edward the Third himself warred in France, less as an English King engaged in a national strife with Frenchmen than as a French prince seeking the Crown of France. But his English armies, as English armies had done from the days of Henry the First—perhaps from the days of the Conqueror himself—fought in France strictly as Englishmen fighting against Frenchmen. French wars would bring it more clearly home to men's minds that the polite and courtly speech of their own land was strictly a foreign tongue. It was in no way wonderful that the reign of Edward the First should mark the time when a new impulse was given to the use of French; it was still less wonderful that the reign of Edward the Third should mark the time of a distinct revolt of English against French, and of the final victory, though only a qualified victory, on the part of English.

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Influence of the French wars and of French fashions.

It will be noticed that some of the complaints which I have just noticed bring out strongly the point on which I have insisted throughout, that those who spoke French in the twelfth, thirteenth, and fourteenth centuries could, in

French and English both spoken by the same persons.

[1] Higden, ii. 161. "Þe langage of Normandie is comlynge of anoþer londe, and hath oon manere soun among alle men þat speke þ hit ariȝt in Engelond." This marks the distinction between a genuine popular speech and one which is merely a speech of learning or fashion. See Guest, English Rhythms, ii. 427.

CH. XXV. a large and of course increasing proportion, speak English also. But things had changed between the twelfth century and the fourteenth. In the twelfth century the man of Norman descent spoke French naturally and habitually. He knew English only as an acquired tongue, to be spoken only when French would not serve. The English gentleman of the fourteenth century — his Norman or Old-English descent is now quite forgotten—spoke English naturally; but he was taught French from his childhood, because to speak French was the polite and fashionable thing. When it came to this, the victory of English was certain. French had lost all real hold on any class in the country; it was kept up by a mere fashion which might change at any moment. And in the later years of the fourteenth century the strife was decided. A name which all Englishmen ought to hold in honour is that of John Cornwell, master of grammar, who first began the change by which English boys were allowed to be taught in their own tongue and no longer in that of the stranger.[1] By the death of Edward the Third the victory was won. If we ask for a particular date for the victory of English, we may take the year when English displaced French as the language of pleadings in the higher courts of law. From this time the steps in advance are swift. The enemy of course does not give way all at once. Men wrote in French after they had ceased to speak it. French was used in public documents after it had ceased to be used in private writings. A few legal and official phrases linger among us still, as relics of a state of things which has wholly

Pleadings in English, 1363.

Survival of the use of French.

[1] So says Trevisa in an insertion of his translation of Higden (ii. 161); "John Cornwaile, a maister of grammer, chaunged þe lore in gramer scole and construccioun of Frensche in to Englische; and Richard Pencriche lerned þe manere techynge of hym and of oþere men of Pencrich; so þat now, þe 3ere of oure Lorde a þowsand þre hundred and foure score and fyve, and of þe secounde kyng Richard after þe conquest nyne, in alle þe gramere scoles of Engelond, children leveþ Frensche and construeþ and lerneþ an Englische."

passed away. The successor of Ælfred when, like Ælfred, she lays schemes of law before her Witan, speaks the tongue of Ælfred. But, when those schemes of law have, according to later usage, taken the form of petitions addressed to the sovereign,[1] the successor of William gives her assent to those petitions in the tongue of William. All through the fifteenth century, down to the earlier days of Henry the Seventh, we find Acts of Parliament written in French, while the letters even of Kings are in English.[2] But the use of French for any public purpose must by that time have been the merest survival. Long before those days Henry the Fifth was represented in a negotiation with France by ambassadors who could not speak or understand the French tongue. In a spirit which later diplomatists would have done well to follow, they demanded that acts to which Englishmen were to put their signatures should be drawn up, not in the local dialect of the French kingdom, but in the common speech of Western Europe.[3] CH. XXV.

Influence of French on English.

I have said that, though the victory of English over French was complete, yet it was only a modified victory. French in the fourteenth century gave way to English; but, in the process of giving way to English, it greatly affected the tongue to which it gave way. It gave way to

[1] The assent of the Crown to Acts of Parliament, that is, in theory, petitions of Parliament, is still, as every one knows, given in French. But both the Queen's speech and an Act of Grace are in English.

[2] The last case of the use of French would seem to be in 1488–9. See the Revised Statutes, i. 354, 360. But in the letters and papers of the same date (see the two volumes published by Mr. Gairdner), whenever French is used, one can see why it was used, unless perhaps in such a paper as that addressed to Sir John Wilshire, i. 220. It is assumed throughout, and not unreasonably, that Englishmen understand French, but that Frenchmen do not understand English. But men of each nation use their own tongue among themselves.

[3] Lingard, iii. 515.

CH. XXV. English; but it did not give way till it had poured into English the greatest infusion of foreign words and foreign idioms which any European tongue ever received from a foreign source. It is the business of the philologer rather than of the historian to refute the fallacies of those who, by a mere counting up of words in dictionaries, try to show that English is not a Teutonic tongue, but a mere jumble of Teutonic and Romance. But it may be no harm to repeat that philology knows nothing of mixed languages,[1] that, though English has borrowed a vast stock of words from French, though it has lost a vast stock of native English words, though it has adopted many a French idiom and has been influenced by French in endless indirect ways, it still remains English all the same. It remains English, just as the Romance tongues still remain Latin, notwithstanding the great infusion of Teutonic words into their vocabulary, and the powerful effect which Teutonic conquest has had on them in every way. Great as has been the French infusion into our language, the French influence on our language, it still remains an infusion and influence from without. It in no way alters the personality of that ancient English tongue which the keels of Hengest brought from the older England to the conquered isle of Britain. It is true that most of us can now read Wace himself more easily than we can read Beowulf. But that is simply as Cicero could read Homer more easily than he could read the hymn of the Arval Brethren.

Great infusion of Romance words.

Analogy of the Teutonic infusion in the Romance languages.

I have already spoken of the two ways in which the Norman Conquest affected the speech of England, how it affected it directly by the bringing in of foreign words, and indirectly by giving a further impulse to the loss of inflexions. Both of these influences were in their own nature sure to grow, and to widen their range as

[1] Max Müller, Science of Language, i. 74.

they went on. For a long time the two languages stood side by side. They were spoken by two different classes of people, or by the same class on different kinds of occasions. But very little intermixture took place. During the twelfth century the process of grammatical corruption was far more busily at work than the process of adopting foreign words. The same may, on the whole, be said of the thirteenth, though the proportion in which foreign words crept in, and the tendency to make them needlessly displace English words, were both constantly growing. During all this time the language may be looked on as going through a process of breaking up, preparatory to its putting on a new shape. And it must not be forgotten that the rival tongue was going through a process of the same kind. The old French, though it had lost most of the Latin inflexions, still kept traces of them which may be called considerable, as compared with the modern form of the language. French and English alike were going through a process which every tongue goes through in passing from the inflexional to the non-inflexional stage. Just as out of the many local dialects of a language some process of natural selection brings one to the front and makes it the standard of the language, so, in the break-up of inflexions, a like process of natural selection brings some particular endings to the front and gets rid of the rest. I wish throughout to leave details, as much as may be, to professed philologers, but one instance of this rule is so instructive that I cannot help giving a few words to it. Of the many endings of the Old-English plural, that which in this way became the normal ending was that which ended in *s*. This ending, once only one among several, has now become the rule, and those words in which any other way of forming the plural still abides are looked on as exceptional. But the *s* ending did not win this supremacy without a struggle on the part of the *n* ending. That ending has not only

The two languages stand distinct for a while.

Corruption of grammatical forms earlier than the great infusion of foreign words.

Corruption of grammatical forms in French.

Illustration of the plural in *s*.

CH. XXV. kept its place at the end of a few words which were its rightful possession, but it has in the struggle got possession of one or two words to which it has no right. We speak, after the manner of our forefathers, of *men* and *oxen*, but we speak also of *brethren* and *childr*en, where the *n* is an intruder.[1] This is an illustration of the kind of process which goes on when the checks on linguistic corruption are taken away. But the triumph of the *s* ending in English is remarkable in another way. Among all the old Teutonic endings, the one which has become dominant in English is the very one which has gone wholly out of use in High-Dutch. Thus, by a mere accident, two nearly allied languages have come to seem further apart than they really are. And more than this, the same accident has made two languages which are much less nearly allied seem to be nearer to each other than they are. While the English tongue was, so to speak, choosing one out of several Teutonic endings, the French tongue was also choosing one out of several Latin endings. The *s* ending was common to both Latin and Teutonic; it was the ending which became the choice of both French and English. It is quite possible that, while this process was going on in the two languages side by side, the choice of the English may have been in some measure determined by the choice of the French. If it is not so, the coincidence is a very singular one. If it is so, we see how manifold and how subtle were the forms of the foreign influence which was now brought to bear upon our language. We chose our dominant ending from among our own stock; but some silent influence led us to choose that one among the native candidates which had more than any other the look of a stranger.

Comparison with High-Dutch and French.

While all these changes were going on, while foreign words were pouring in in increased numbers, while the old grammatical system was being broken up, while,

[1] See Earle, Philology of the English Tongue, 316, 317.

instead of one standard of literary English, there was nothing but a crowd of popular local dialects, the time came when the English language was to win back its own place, and to become once more the one acknowledged language of England. This was the work of the fourteenth century. But in doing this work, the fourteenth century had further to fix what kind of English should become the acknowledged language of England. First of all, which of the many dialects of English should come to the front, and become the standard English tongue? Which should be to England what Castilian is to Spain, what Tuscan is to Italy, what the speech of Touraine is to France? The Northern dialect, the Anglian of Northumberland modified under Scandinavian influences, had no chance. We have seen that there is a sense in which the Norman Conquest was in truth a Saxon Conquest.[1] The tongue of York was not likely to become the standard of language at the court either of Winchester or of Westminster. Northern English indeed kept its ground as a literary and courtly language; but it was beyond the political boundaries of England that it did so. One form of the speech of Northumberland was the speech of Lothian, and Northern English naturally flourished at the courts of princes who sprang at once from Margaret and from Waltheof, those Earls of Lothian who were also Kings of Scots. This Northern English, broken up, as far as its inflexions go, at an earlier time than the Southern,[2] but far less corrupted by the inroad of foreign words, lived on for some ages as a national speech, and it survives even in our own day as something more than a mere local dialect. But, by one of the strangest chances of political nomenclature, this purest

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Question between the dialects of English.

The Northumbrian dialect flourishes in Lothian;

[1] See above, p. 65.

[2] On the character of the Northern English, even before the Danish invasion, and on the effect which that invasion had in helping the break-up of inflexions, see Standard English, 36, 48, 50; Garnett, Philological Essays, 139.

CH. XXV. commonly called "Scotch."

surviving form of English, with its rich store of ancient English forms and ancient English words, is to most Englishmen known by no other name than that of "Scotch." But the tongue which was the polite speech beneath the walls of the abbey of Dunfermline was not the polite speech beneath the walls of the abbey of Westminster. It might perhaps have been thought that, among the various dialects of English, the one which would come to the front would be the true Saxon speech of the South, the tongue both of the elder and the younger capital, the tongue of the spiritual metropolis of the land and of the three kingly seats where both King Eadward and King William wore their Crown.[1]

Advantages of a middle dialect.

But in cases of this kind, when dialects are left to themselves, that which wins in the long run is likely to be a dialect which holds a middle place between extremes at both ends. It was neither the Northern nor the Southern, neither the broadly Anglian nor the broadly Saxon, variety of our language which was to set the standard of the English tongue. The English of books and of modern speech is not the tongue of Northumberland; it is not the tongue of Wessex; it is the tongue of those eastern shires of Mercia which border on East-Anglia. It is not the tongue of Godwine; it is not the tongue of Siward; but it is the tongue, if not of Waltheof himself, yet of the men of his first earldom. And the man by whom it was first thrown into a literary shape was a native of the spot which legend, if not history, has chosen for the home of Hereward.

Standard English the speech of Eastern Mercia.

Without pretending to fix the geographical limit very exactly, there can be no doubt that the English language, in the form which has been classical ever since the fourteenth

[1] Gloucestershire, part of the great conquest of Ceawlin, though afterwards Mercian in allegiance, still remains Saxon in speech.

century, is the language of the shires bordering on the great monastic region of the Fenland, the tongue of Northamptonshire, Huntingdonshire, Rutland, and Holland.[1] The writer who first gave currency to the dialect was Robert Manning of Bourne, in the later days of Edward the First.[2] Under the great writers of the fourteenth century it grew and prospered, and it was the form of the language which, at the end of that century, finally displaced French as the polite and literary speech of England. Classical English is neither Northern, nor Southern, but Midland; and of Midland it is Eastern, and not Western. Any one may convince himself of this who has learned enough of the local dialects of England to know how much nearer the tongue of a Northamptonshire peasant comes to the English of books than the tongue of a peasant either of Yorkshire or of Somerset. I suspect that, if the three were brought together, the true test of a standard dialect would show itself; the Northumbrian and the West-Saxon would have some ado to understand one another; the Mercian would be easily understood by both.[3] From the eleventh to the fourteenth century, all forms of English south of the Tweed were mere popular dialects in the presence of a dominant foreign tongue. Since the fourteenth century the tongues of the North and the South have sunk into the still lower position of popular dialects in the presence of a dominant form of the same tongue. The ancient Saxon tongue, which in the fourteenth century was still the speech

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Influence of Robert Manning. c. 1300.

Northern and Southern English remain only as popular dialects.

[1] See Oliphant, Standard English, 184; Garnett, Philological Essays, 153; Guest, English Rhythms, ii. 198, where it is said of Leicestershire, "It has contributed more than any of our living dialects to the formation of our present standard English." I am not concerned to assert the claims of any particular shire, if it is only allowed that it is on this side of England that the source of modern book-English is to be looked for. I myself, when very young, noticed how little the common speech of Northamptonshire differed from book-English.

[2] See Standard English, 182.

[3] See the extract from Higden in p. 512.

CH. XXV. The special Saxon tongue driven westward.

of written Kentish prose,[1] has long passed out of written use, to become once more in our own day the written speech of Dorset rimes. The tongue of Cerdic, Ine, and Ælfred has been, step by step, beaten back westward, till it survives only in the lands which, in days later than those of Ælfred, were still looked on as the *Wealhcyn*, the march of the conquered Briton.

Debt due to Peterborough.

We have thus seen at what point of time it was that the English tongue finally drove out the intruder which had usurped its place for three hundred years. We have seen too to which local form of the English language it was that the final victory fell. Neither North nor South ought to grudge the East-Midland speech its victory. The land where, in the cloister of Peterborough, men still went on writing the annals of England in the English tongue, after Canterbury and Winchester and Worcester and Abingdon had ceased to speak, did indeed deserve to be the land whose tongue should be rewarded for that long endurance by becoming the common speech of England. But when the East-Midland English gained its victory in the fourteenth century, its form had greatly changed. It had gone far away from the tongue of that monk of the Golden Borough whose pen dropped from his hand in recording the mickle worship with which his house received the first Abbot of Angevin days.[2] If the victorious tongue had simply taken in a few foreign words to express foreign ideas, it would have been no more than has happened to all tongues. If it had simply lost its inflexions, it would have been no more than

Changes between 1154 and 1363.

[1] The Ayenbite of Inwit, written in Kent in 1340, has that use of *z* and *v* which is now thought to be distinctive of Somerset.

[2] See the last broken entry in the Peterborough Chronicle. In 994 Anlaf was received "mid mycelum wurðscipe." Now William of Walterville is received "mid micel wurtscipe," but moreover "mid micel *processiun*." Yet a psalmist four hundred years later might have said, "It is well seen how thou *goest*."

has happened to the kindred tongues of the Low-Dutch and Scandinavian stock. But, while English was kept in the background and French was the tongue of the court and of the lighter literature, the fashion of bringing in words from the politer tongue grew stronger and stronger. But we must mark again that this corruption of the national tongue was, like the extended use of the foreign tongue, a sign that the days of mere conquest had gone by. As long as the two races remained at all distinct and hostile, but few French words crept into English, and for most of those which did we can see a distinct reason.[1] But, as the fusion of races went on, as French became, not so much a foreign tongue as a fashionable tongue, the infusion of French words into English went on much faster. The love of hard words, of words which are thought to sound learned or elegant, that is, for the most part, words which are not thoroughly understood, is, I conceive, not peculiar to any one age. What it leads to in our own day we see in that foul jargon against whose further inroads lovers of their native tongue have to strive. But it was busily at work in the thirteenth and fourteenth centuries. Every man who thought in English, but to whom a sprinkling of foreign words seemed an ornament of speech, did something in the way of corruption. And the same thing happened, with more of excuse, in the opposite case, when a man who thought in French spoke or wrote in English. It was a sign that the English tongue was again looking up, when, early in the thirteenth century, a Bishop wrote a devotional work in English for the use of a sisterhood of nuns.[2] But, in so doing, he brought into his work a crowd of foreign words which had not shown themselves in English before, but which have stayed in our

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Infusion of foreign words a sign of the fusion of races.

Inroad of foreign words in the thirteenth century.

The Ancren Riwle. c. 1220.

[1] See a lively picture of the kind of French words which naturally came in first in Standard English, 218, 219.

[2] The language of the Ancren Riwle is discussed by Mr. Oliphant, 221.

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tongue ever since. The greater learning of the clergy, their greater intercourse with other parts of the world, was, from one point of view, one of the better results of the Conquest. But there can be no doubt that it led to a vast inroad of foreign words into our religious and devotional speech.[1] Even the Lord's Prayer and the Belief have not escaped; and that venerable relic of our ancient tongue, that old-world form—that *lex horrendi carminis*—in which Englishmen and Englishwomen have been joined in wedlock for a thousand years, has not escaped the presence of a single stranger in the foreign word "endow." Throughout the thirteenth century new foreign words were dropping in; in the fourteenth they came in with a rush. By the end of that century English had won its final victory; but the Parthian shafts of the defeated enemy had done the conqueror the deadliest of harm in the very moment of his conquest.

Intrusion of foreign words into religious formulæ.

Great foreign intrusion in the fourteenth century.

But the loss would have been less, if all that had happened had been a mere infusion of foreign words. The presence of a stranger in the land may be endured; but his presence is a tenfold greater evil when the sons of the soil have to leave their native land to make room for him. As it was with the men of England, so it was with their speech. As the Norman Conquest not only planted Normans in England, but caused Englishmen to exchange their native land for Denmark or Byzantium, so it was with words as well as men. With every fresh inroad of French words, more English words were displaced to make room for them. Thus it came that crowds of true, ancient, and vigorous Teutonic words, words which have lived on in the kindred tongues of the mainland, which have lived on in the purer English of Lothian and Fife, have perished from our classical speech, and now come among us as strangers. Crowds of words which formed part of the

Displacement of native words.

[1] See Standard English, 229.

everyday speech of Ælfred and Harold are now set down, sometimes as Scottish, sometimes as High-German. This dropping of our own words, which went on all through the centuries of change, was a far greater evil than the mere borrowing of new words. And along with it came another evil fully as great; our tongue gradually lost the power, a power inherent in any really living language, of making new words at pleasure out of the stock of the language itself. We could once make compound words as freely as the Greek has always made them, as freely as the High-German can still make them when he chooses. When once the French fashion had set in, it was found easier to bring in a French or Latin word, or to coin an English word after a French or Latin fashion, than it was to frame a compound or derivative word out of the ancient stock of the language. Thus the grand old compound words of the true English speech died out of use, and no new ones were made to take their places. It has become almost hopeless to frame abstract words, technical words of any kind, in our own tongue. In this way the frightful jargon of modern science, the daily increasing stock of meaningless words with which our dictionaries are cumbered, is one result, and a very ugly result it is, of the Norman Conquest. It is owing to the coming of William that we cannot trace the history of our native speech, that we cannot raise our wail for its corruption, without borrowing largely from that store of foreign words which, but for his coming, would have never crossed the sea. So strong a hold have the intruders taken on our soil that we cannot even tell the tale of their coming without their help.

Loss of the power of making new native words.

This abiding corruption of our language I believe to have been the one result of the Norman Conquest which has been purely evil. In every other respect, the evil of a few generations has been turned into good in the long run. But the tongue of England—rather, we should say, the

Evil result of the Conquest on language.

CH. XXV. tongue of Englishmen before any rood of Britain became England—the tongue which we brought with us from the elder England—the tongue in which men sang the deeds of Beowulf while Englishmen still dwelled in their old home—the tongue of Cædmon and Ælfred and the long roll of our chroniclers and poets—has become for ever the spoil of the enemy. The change is purely evil. We are always told of the greater variety, the greater flexibility, which our language has gained by its foreign corruptions. I deny every count. The foreign words which have poured, and are still pouring, into our language are poor substitutes indeed for the treasures of ancient speech which we have cast away. Men who speak in this way simply know not the power, the richness, even the variety and the flexibility, of the true English speech. The mere fact that we are now driven to borrow foreign words, or to coin words in foreign tongues, instead of forming them, as of old, out of our own stores, shows that the truest life of our tongue was taken out of it in the process by which it again climbed up into courts and palaces. The moment when the English tongue was pulled down from its high place was the moment when it had just shown the fulness of its powers. The blow came when the hopes of the growing tongue were at their very highest, when the Herodotus of England had arisen alongside of her Homer, when for the first time the living strength of English prose had been shown forth among men. Surely no form of the speech of man ever outdid, for true vigour and awful grandeur, the portrait of William the Great drawn by the hand of the Englishman who had looked on him. And, notwithstanding the corruption of mere grammatical forms, the same awful power comes out in the harrowing picture of the anarchy of Stephen. How truly their words still speak to Englishmen, even in our later days, is shown by the fact that those wonderful pictures

Powers of the English tongue in the eleventh century.

Portrait of William.

Description of the anarchy.

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are well known to thousands who never read a line of our ancient annals for themselves. The feeblest compiler hardly dares to tell the tale of the Conquest and the anarchy without at least some scraps about the King who was so stark, who loved the high deer as though he had been their father, or about the nineteen winters which we tholed for our sins, when the castles were made and when they filled them with devils and evil men. Such then was the speech of England, a speech of such true and living power as no later age has seen, a speech which from its own stores could supply every need of the thoughts of man. It was only when we had to name the things of evil, when we had to speak of the castles and of the devils, that we needed to borrow a word from any tongue beyond the sea.

Analogies between English and French.

The struggle which our tongue has had to wage has been with the French form of Romance; yet the history of that form of Romance supplies some most instructive analogies with the history of our own tongue. The French speech itself was formed by a process which had much in common with the process which affected the English tongue in the thirteenth and fourteenth centuries. The Latin speech which so deeply affected the Teutonic speech of England had itself been only less deeply affected by a Teutonic speech in its own land. As so large a part of the conquerors of England were really her disguised kinsmen, so not a few of the words which crept from the Romance of France into the Teutonic of England were but good old Teutonic words slightly disguised under a Latin mask. Sometimes indeed a disguised Teutonic word has lived on side by side with the same word in its true Teutonic shape. Two of the last devised names of English offices illustrate this law. A reform of a generation back entrusted the care of the poor—the poor being called by a

Teutonic element in French.

Teutonic words brought over in a French shape by the Normans.

Words existing in a pure Teutonic and in a Romanized form.

CH. XXV. French name—to Boards of *Guardians;* a later reform has entrusted the care of the highways—which still keep their Teutonic name—to Boards of *Wardens.* The two words are the same; both come from that old Teutonic root which we see in the names of Eadward and Æthelward, but one of them shows the Teutonic root only in the shape into which it had been moulded on Romance lips. These are the fruits of that large Teutonic infusion in French which, though far smaller in extent than the Romance infusion in English, is exactly analogous to it in its origin, and to some extent also in its history.[1]

The Teutonic infusion in French answers to the Romance infusion in English.

I remarked at the very beginning of this work that the Norman Conquest of England, as it was most unlike the English conquest of Britain, was also a conquest of a different kind from the Teutonic conquests on the Roman mainland.[2] But I implied that of the two it was far more like the continental than the insular settlement. And I might have added that, of all the Teutonic settlements in the Roman mainland, it had most in common with the Frankish conquest of Gaul. In short, the Frankish conquest of Gaul and the Norman Conquest of England, among many points of unlikeness, have enough of likeness to make it possible to compare, and not merely to contrast, them. And it is in the matter of language that the points of likeness between the two Conquests are greatest, and the points of unlikeness smallest. When the English conquered Britain, they kept their own tongue, borrowing only a handful of words from the British tongue. When the Romans conquered Gaul, the mass of the natives gradually adopted the Latin language, bringing with them only a handful of words from their own tongue.[3] But when the Franks conquered Gaul, and when the

Comparison between the Frankish Conquest of Gaul and the Norman Conquest of England.

Gaul adopts the Latin tongue; smallness of the Celtic infusion in French.

[1] See vol. i. p. 17.

[2] See vol. i. pp. 3, 4.

[3] On the smallness of the Celtic element in French, see Brachet, Dictionnaire Etymologique, xxxiv.

Normans conquered England, in both cases the conquerors gradually adopted the language of the conquered. In each case, in adopting the language of the conquered, they brought into it an infusion of words from their own language, and an infusion far greater than the handful of words which English has borrowed from the Celtic of Britain and French from the Celtic of Gaul. The general process in the two cases is exactly analogous, but the smaller shades of difference are highly instructive.[1] The Teutonic element in French and the Romance element in English are in truth no real elements at all, but infusions which do not affect the true essence and structure of the two languages. The test is that which I gave at starting, that English may be written without using any Romance words and that French may be written without any Teutonic words. This shows, without going any further, that French, notwithstanding a large Teutonic infusion, is still a Romance language, and that English, notwithstanding a much larger Romance infusion, is still a Teutonic language. Thus far the two cases are the same; the difference of proportion between the foreign infusions in the two cases in no way hinders the truth of the analogy. But there is a real difference between the two cases in another way. The whole Teutonic infusion in French came from a single source, and came in at a single stage of the history of the language. The Romance infusion in English came in from more than one source, and at more than one stage. We have already marked three stages of Romance infusion into English. There is a fourth which does not come within the limit of my history. Of these four the third exactly answers to the Teutonic infusion in French; but there is nothing in French which at all answers to the first, the second, or the fourth. The first and the second Romance infusions into English consist

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The Franks adopt the Romance speech as the Normans adopt the English.

Analogy between the two infusions.

Points of unlikeness. One Teutonic infusion in French; several Romance infusions in English.

[1] I am here enlarging what I said in Comparative Politics, pp. 128, 420.

CH. XXV. of the few Latin words which the English picked up in the first days of their Conquest and the larger number which were brought in by Augustine and his successors.

No parallel in French to the earlier infusions in English.

To these classes of Romance words in English there are no analogous Teutonic words in French, because the events in the history of Britain out of which those classes of words arose have no events answering to them in the history of Gaul.

Analogy of the Frankish and Norman infusions.

But the third source of Romance infusion in English exactly answers to the single source of Teutonic infusion in French. This is that Romance infusion into English which forms one chief subject of the present chapter, that infusion which was a direct effect of the Norman Conquest. This, the Norman infusion, as distinguished from the earlier British and ecclesiastical infusions, answers to the one Teutonic infusion in French, the Frankish infusion. The Franks in Gaul gradually adopted the language of the country, but, in adopting it, they modified it just in the same way in which the Normans modified English. As the process of breaking up the Teutonic endings and inflexions in English was hastened and confirmed by the Norman Conquest, so the process of breaking up the Latin endings and inflexions in the Romance of Gaul was hastened and confirmed by the Frankish conquerors. And, as the English tongue borrowed a crowd of Romance words from our Romance-speaking conquerors, so the Romance of Gaul borrowed a crowd of Teutonic words from the Teutonic conquerors of Gaul.

Teutonic words in Latin.

The process indeed began before the conquest. One or two Teutonic words made their way into Latin, while Latin was still classical. If we adopted the Latin *castrum*, the Romans adopted the Teutonic *burh*.[1] But the mass of the Teutonic words came in with the Franks, Burgundians,

[1] See Brachet, Dictionnaire Etymologique, xxxviii. In Scheller's Dictionary references for the word *burgus* are given to Vegetius, Orosius, and the Code of Justinian.

and other Teutonic settlers in the fifth century, and the stock received a further small increase by the coming of the Normans in the tenth. That stock consists, not only of military, political, and maritime words, all of which we might have looked for, but of words of all kinds. The number of Teutonic words in French outweighs over and over again the number of non-Latin words of any other kind;[1] only most of them have put on a form so thoroughly French that it needs some philological tact to know many of them for what they really are. So it is with many of the words which we ourselves borrowed from the Romance. There are words which came to us from Normandy, just as there are men who came to us from Normandy, which have put on a shape so thoroughly English that it needs philological tact to see that they are really strangers.[2] It is only when words bring with them foreign endings and other outward marks of foreign origin that we not only know but feel that they are intruders.

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Great extent of the Teutonic infusion in French.

Romance words naturalized in English.

Thus far the analogy between the Frankish conquest of Gaul and the Norman Conquest of England, and between the effects which those conquests severally had on the French and English languages, is exact; but there is another side in which the likeness between the two cases wholly fails. The Teutonic infusion in French is very great; but it came in all at once, or, if we take in words brought in by the Normans in the tenth century, at most at twice. The Romance infusion in English has gone on growing from the eleventh century till now. That is to say, the results of the two conquests were alike as far as their historical circumstances were alike; the results were different as far as the circumstances were different. In each case the conquerors adopted the language of the conquered, and,

The Teutonic influx in French stops; the Romance influx in English goes on.

[1] See Brachet, Dictionnaire Etymologique, xxxviii.

[2] Nothing but philological knowledge could teach any one that *please, pay, money*, are not as strictly native words as *tease, say, honey*.

CH. XXV. in adopting, modified it. But in French the modifying process happened once for all; in English it has never ceased. We have always gone on adding to our stock of words borrowed either directly from the Latin or from the Latin through the French. But it is not likely that a single Teutonic word made its way into French between the tenth century and the seventeenth. The causes of this difference are plain. In England English was simply the local speech; it was not even the exclusive speech. Latin, as the tongue of religion and learning, was common to Norman and Englishman. But Latin at the time of the Frankish conquest was more than the mere local speech of Gaul; it was the one speech of culture and literature common to the whole Latin West. It followed then that the Teutonic speech in Gaul was a speech of conquest, and of conquest only. French in England was not only the speech of conquest; it was also the speech of fashion and of some kinds of literature. Thus, while the Frankish conquest helped, along with other causes, to change Latin into French as the spoken language, it did not wholly displace Latin. The new form of the language, the French, grew up, but Latin still survived as a written language, as for some centuries the only written language, as the abiding language of religion, law, and learning. But in England, while the Norman Conquest helped along with other causes to change the older form of English into the newer, the older form did not in the like sort survive. The parallel therefore is not perfect. Latin does not stand to French in exactly the same relation in which Old-English stands to modern English. The exact parallel would be if the older form of English, with its inflexions and its vocabulary unchanged, had gone on as a written language alongside of the modern English of common speech. But this could not happen with English; it could not happen with any tongue except the Imperial speech of Rome. Latin in

Different position of Frankish in Gaul and of French in England.

Survival of Latin in Gaul.

short played in Gaul the part which English and Latin together played in England. When Teutonic went out of use in Gaul, the two remaining languages of the country were two stages of the same language. French grew up, but the Latin out of which it sprung was still remembered. When French went out of use in England, the two remaining languages of the country were wholly distinct. Latin went on for its own purposes; modern English grew up, and the older English out of which it grew was forgotten. Add to this that, even after French had ceased to be spoken in England, it was still the most commonly known among foreign tongues. In Gaul, on the other hand, after the older German had died out, no foreign language was less commonly known than the later German. It followed then that in England, after French had ceased to be spoken, the Romance influence and the influx of Romance words still went on in another form. In Gaul, on the other hand, as soon as the immediate effects of the Teutonic conquest had passed away, the influx of Teutonic words ceased. The French language contains a class of words which exactly answers to those Romance words which have crept into English during the last three centuries, the class of words which do not grow but are made. We often find in French a real word which has changed from Latin into French by the natural historical process, side by side with a word which has not grown out of the Latin word but has been made from it in modern times. But in French, made words of this kind are still Latin; no new words are coined in French from a Teutonic mould. But we still go on coining words from a Romance mould; the fashion which began in the eleventh century has never since stopped. And yet, by a kind of cycle, an old analogy has again showed itself in the very latest stage of the two languages. As the Normans brought into English many good Teutonic

Difference in the relations between Latin and French and Old-English and Modern English.

"Learned" element in French still Latin.

Coinage of Romance words in English.

CH. XXV. words in a French dress, so, among the handful of words which modern French has borrowed from modern English, some are simply good old French words in an English dress.[1]

§ 2. *Effects of the Conquest on Personal and Local Nomenclature.*

There is one form of the infusion of foreign words into our vocabulary of which I have once or twice spoken incidentally, but which may fittingly receive some further notice at this stage. I mean the changes which the Norman Conquest wrought in the English system of nomenclature, in the proper names both of persons and of places. With regard to personal nomenclature, the change was twofold. A new set of Christian names came in, and along with them came in also the foreign fashion of hereditary surnames. The Old-English system of nomenclature was a very marked one. Nowhere were personal names more purely Teutonic than they were in England up to the Norman Conquest. That is to say, England was specially slow in adopting either scriptural names or Greek and Latin names of saints. In the whole time between the coming of Augustine and the coming of William no layman in England bore any but a purely Teutonic name. The few churchmen who bore scriptural or saintly names had, we may be sure, taken them at their ordination or monastic profession. Germany in this respect was almost, if not quite, as Teutonic as England, and even in Normandy the use of scriptural or saintly names seems to have come in only a generation or two before the Conquest of England. There also the fashion seems to have been most common among churchmen, and,

Effects of the Conquest on personal nomenclature.

Specially Teutonic character of Old-English names.

Nomenclature of Germany and Normandy.

[1] See Brachet, Grammaire Historique, 66. He mentions "fashion" and "tunnel" as two French words which have in this way gone back into France, "frappés à l'effigie saxonne."

though it was not unknown among the laity, it had not, as far as male names were concerned, reached the ducal family or the other great houses. To take names which afterwards became familiar on both sides of the sea, Domesday has not a single Philip to show in either nation; it has no Thomas, save the Archbishop of York, and only a handful of Johns. A stray Joseph[1] and a stray Isaac might have been suspected of being Jews, had not one holder of the latter name been Provost of the church of Wells.[2] All this stands in marked contrast to Scandinavia, where we find scriptural names from the first moment of conversion,[3] and to Scotland, where names of every class seem to have found a common shelter.[4] It was only in the north-western and the south-eastern ends of Europe that there was any chance of a crown being worn by a Constantine or a Gregory. Our ancient nomenclature then, though purely Teutonic, was perhaps not more purely Teutonic than that of some other lands; still it is certain that it always had a marked character of its own. The English and the continental names are formed out of exactly the same elements; yet it is very seldom that the same name was common to England and to the continent. Names common even to England and Germany are exceptional,[5] while the names common to England and Normandy are merely a few Danish names which had

Scriptural names in Domesday.

Nomenclature of Scandinavia and Scotland.

Specially insular character of English nomenclature.

[1] He appears as holding T. R. E. in Oxfordshire, 154 *b*. The land was held "de dominio regis," and it is added, "sed postea Heraldus comes in suo dominio accepit, et erat in dominio regis quando mare Rex transivit." See vol. iii. p. 630.

[2] This Isaac appears in the Exon Domesday, 71. An East-Anglian Isaac in Domesday, ii. 264, 437 *b*, is doubtless a different person.

[3] See vol. iii. p. 344.

[4] See vol. iv. p. 512.

[5] The actual list of names common to Germany and England would be rather long (see vol. iii. p. 752); but it would be chiefly made up of names which were common in one country and rare in the other. The characteristic names are different, as may be seen by comparing the lists of Kings.

CH. XXV. English names used in Normandy.

been kept in use in Normandy and which the Danish invasions had brought into England.[1] Two English names, on the other hand, Ælfred and Eadward, had gained a slight currency in Normandy just before the Conquest, through the presence of the English Æthelings the sons of Æthelred.[2] Otherwise, in the generation represented by Domesday, a man's name is an absolutely certain guide to his nation. Every Godwine, every Ælfric, is English beyond a doubt; every William, every Robert, is Norman beyond a doubt. Among the names of women the case is clearer still. Though names from the *æðel* or *adel* root are common everywhere, it would be as hard to find a continental Æthelflæd as to find a continental Eadgyth.[3] Among women as well as among men, scriptural and saintly names were, in the age of the Conquest, just beginning to come into use, as the Agatha, the Christina, and the Margaret of our own history, to say nothing of the Judiths, all bear witness. The names of so many of the Conqueror's own daughters are at once a sign of the change, and must have greatly helped to promote it.[4] As a rule, the female names, both on the continent and in England, were still Teutonic; but those used in England were yet more distinctive than the names of the men. The distinction was consciously present to men's minds, when Norman insolence mocked at Henry the First and his Queen by names which were distinctively English.[5]

Names of women still more distinctively English.

Nicknames of Henry the First and his Queen.

[1] Odo in its various forms, Thurstan or Toustain, Thoruld or Turold, are all examples of this.

[2] See vol. ii. p. 347. Cf. vol. iv. p. 797.

[3] See vol. i. p. 334.

[4] See vol. i. p. 522; vol. iii. p. 198. On William's daughters, see vol. iii. p. 659. Constance comes a generation earlier as the wife of King Robert, see vol. i. p. 520, and Judith (see vol. iii. p. 658) carries us back to Lewis the Pious.

[5] See above, p. 170.

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Now in this matter of nomenclature, that is to say, in that part of our vocabulary which consists of proper names, the Norman Conquest not only wrought a great and more lasting change than it did in anything else, but it wrought a more immediate change. The cause is plain. To adopt a foreign name is still easier than to adopt a foreign word; and of all kinds of words, proper names are those which are most thoroughly under the dominion of fashion. In all times and places the names of Kings and princes find their way among all classes of their subjects, and it is also thought to be a point of civility to give the godchild the name of his godfather. In the English nomenclature of the eleventh century we may see three stages. First, the Danes who had settled in England often gave English names to their sons, born, as they most likely were, of English mothers. Such were Æthelstan the son of Tofig, and Eadwine the son of Ranig.[1] On the other hand, the names of the Danish princes were to some extent adopted, at least by their courtiers, of which the Danish names among the children and grandchildren of Godwine and his Danish wife are notable cases. Secondly, the Norman and French settlers in the days of Eadward also often gave their sons English or Danish names, such as those borne by Harold the son of Ralph, and Swegen the son of Robert.[2] So, in an earlier generation, the names of Ralph and Godwine appear side by side, as the father and uncle of the younger Ralph of Wader.[3] So Domesday gives us the almost grotesque formula of Eadmund the son of Pagan. This last strange name was not uncommon a generation or two later, and it must have been borne by some Norman settler under Eadward who called his son after some

Speedy effect of the Conquest on nomenclature.

Names of princes and of godparents.

English names borne by the sons of Danes,

and of Eadward's Normans.

[1] See vol. i. pp. 580, 591.

[2] See vol. ii. pp. 417, 633; vol. iv. p. 736.

[3] See vol. iii. p. 752.

CH. XXV. English godfather.[1] And, though he came after the Conquest, we may not leave out of such a list the name of the English-born son of the priest of Orleans, Orderic the Englishman.[2] And, as one or two Ælfreds and Eadwards came over in the train of the Conqueror, so we find an Eadgyth in the great Norman house of Warren, who, we may be sure, took her name from the revered widow of the Confessor.[3] Had the Norman Conquest never happened, the descendants of Eadward's Norman favourites would have quickly passed into Englishmen undistinguishable by name or speech from other Englishmen. The descendants of the armed followers of the Conqueror did in the long run undergo the same change; but, as that change was not fully brought about till they had wrought a most marked effect on our language in general, so, almost in the very moment of the Conquest, they worked a yet greater effect on our system of personal nomenclature.

Introduction of Norman and saintly names.

The effect of the Norman Conquest on nomenclature was twofold. The Teutonic nomenclature of Normandy was brought over into England, and with it came those scriptural and other saintly names which were already more familiar in Normandy than in England. Between the two, the great mass of our Old-English names were gradually driven out. The change began at once. The Norman names became the fashion. The Englishman whose child was held at the font by a Norman gossip, the Englishman who lived on friendly terms with his Norman lord or his Norman neighbour, nay the English-

[1] "Eadmundus filius Pagani" appears in Domesday, 50 *b*, 98 *b*; ii. 264. In the two former estates, in Hampshire and Somerset, he succeeds English owners; the third, in Suffolk, was held by his father T. R. E. Pagan had a daughter married to a priest named Reginald, but her name is unluckily not given.

[2] See vol. iv. p. 495.

[3] See vol. iv. p. 736.

man who simply thought it fine to call his children after the reigning King and Queen, cast aside his own name and the names of his parents, to give his sons and daughters names after the new foreign pattern. The children of Godric and Godgifu were no longer Godwine and Eadgyth, but William and Matilda. Robert the son of Godwine, the hero of Rama, the martyr of Babylon,[1] is the type of a class. In every list of names throughout the eleventh and twelfth centuries we find this habit spreading. The name of the father is English; the name of the son is Norman. This is a point of far more importance than anything in the mere history of nomenclature. It helps to disguise one side of the fusion between Normans and Englishmen. Many a man who bears a Norman name, many a Richard or Gilbert whose parentage does not happen to be recorded, must have been as good an Englishman as if he had been called Ealdred or Æthelwulf. No one would have dreamed that Robert, the most daring of knights, was of other than Norman descent, if the English name of his father had not by good luck been preserved.

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Norman names borne by the sons of English fathers.

When this fashion once set in, it took root. The Norman names gradually spread themselves through all classes, till even a villain was more commonly called by a Norman than by an English name.[2] The great mass of the English names went out of use, a few only excepted which were favoured by accidental circumstances. Two of the names of the old heroes of England were saved from the wreck because they were also the names of two of the saints of England. The one English feature in the character of the foreign-hearted Henry the Third, his devotion to the Confessor at Westminster and to the martyr at Bury, led him to call two of his sons by the names of Edward and Edmund. Of that happy chance it came that the first King of his house who

[1] See above, pp. 94, 357. On names of this type, see Appendix XX.

[2] See Appendix XX.

CH. XXV. deserved to be called an Englishman bore the name of the unconquered King in whose steps he walked.[1] Edward and Edmund are thus names which have lived on uninterruptedly among us from the days of the Commendation of Scotland and the fight of Brunanburh. Yet even they have never been in quite such common use as some names both of the Norman and of the scriptural class. The rest went out of common use.[2] A few only lingered in particular families or particular districts. In the Bishoprick of Durham especially some of the names of the ancient Earls lived on till a very late date. At the end of the twelfth century we are there still among Uhtreds, Waltheofs, and Ealdreds, and some at least of these names lingered on in occasional use to a much later time.[3] Otherwise, when we reach the thirteenth century, the strictly English names are little more than survivals. The received nomenclature is partly Norman, partly scriptural and saintly. Among women the loss of the English names is even more complete than among men, and the Norman names for the most part vanish with them. Æthelflæd and Matilda alike made way for a crowd of names drawn from the hagiology of all nations, Margaret, Katharine, and Juliana. History must not scorn the help even of a nursery rime when it illustrates a fact, and it is worth noting that a time came when the typical names of the two sexes were no longer Godric and Godgifu, but Jack and Jill.[4] The saintly ladies of the Old-English kingly houses did indeed now and then find a votary, and their names, under such corrupted forms as Edith, Mildred, and Audrey, appear few and far between. In short, the tradition of the ancient

Disuse of English names.

They linger in Durham.

Disuse of English female names.

[1] See vol. iii. p. 36.

[2] For instance, the name of Earwig (see Thorpe, Diplomatarium, p. 373) is now not only forgotten, but could hardly be endured. Yet it has a gallant sound, if we only translate it into the Greek Prôtomachos.

[3] See Appendix XX.

[4] See Miss Yonge's Christian Names, i. 320.

nomenclature, the names of Englishmen and English- CH. XXV.
women as opposed to the names of Normans and Hebrews, never utterly died out, though it was for many ages at the point of death. A partial revival has therefore been possible, and fashion has smiled again on one or two of the great names of our ancient history. One son and one daughter of Godwine have more namesakes now than they ever had at any earlier time since the twelfth century. But the great mass of the names of ancient Kings and Ladies, of saints and heroes, have perished as utterly as the long roll of other words in our ancient battle-songs which now seem to us like the words of another tongue.

Introduction of surnames.

Besides this change in personal nomenclature, this introduction of a new set of Christian names, the Norman Conquest also brought with it the novelty of family nomenclature, that is to say, the use of hereditary surnames. A surname, a *cognomen,* is an addition to the personal name, which is given in order to distinguish its bearer from others of the same name. It differs from the *nomen,* the gentile name, the systematic use of which seems to be peculiar to old Rome and to the Scots both of Ireland and of Britain.[1] The gentile *nomen,* as being in its origin a patronymic, began by being a surname; but it changed into something quite different from surnames of the ordinary type, that type of which the Roman *cognomina* give us the best model. Among many men of the same name, many Caii, many Godrics, perhaps among many men of the same name within the same *gens,* one needs to be distinguished from another by some epithet marking him out from his namesakes. He may be marked out from them by the name of his father, by the name of his dwelling-place, by his calling, or by some peculiarity of person or manner. The

Distinction between surnames and gentile names.

Origin of *cognomina* or surnames.

[1] I have spoken of this in Comparative Politics, pp. 105, 394.

CH. XXV. distinctive epithet may be sportive or serious; it may be given in contempt or in reverence; in all these cases its nature is essentially the same. In all cases it is in strictness a *surname*. Surnames of this kind are common in all times and places; they were as common in England before the Conquest as anywhere else. Tofig the Proud, Thurkill the White, Eadric Streona, and a crowd of others, have met us in our history. And the signatures to the charters will supply further examples without end. They are of various kinds. Besides the patronymics, the local surnames, the surnames descriptive of the bearer's person, there are others which are not so intelligible, surnames which are mere pet names or nicknames, whether given in scorn, in affection, or in mere caprice.[1] In some cases the surname or nickname seems to have altogether supplanted the baptismal name. We have also come across more than one case in which the same man bore two distinct names. In the case of churchmen the second name was doubtless one taken on ordination or monastic profession.[2] Nor must we forget cases where a name was changed out of deference to national prejudice, like the two Ladies who were changed, one from Norman Emma into English Ælfgifu, the other from English Eadgyth into Norman Matilda.[3] In all these cases a person bore two names singly or together. And most of these classes of personal surnames are still in common use among ourselves, even alongside of our recognized system of hereditary surnames. The only difference is that they

Personal surnames before the Conquest.

Nicknames.

Changes of name.

Abiding use of personal surnames.

[1] See Mr. Kemble's Essay on the Names, Surnames, and Nicnames of the Anglosaxons, in the Winchester volume of the Archæological Institute, pp. 81–102. He quotes from one charter (Cod. Dipl.) "Wulfsige se blâca, Sired Ælfredes sunu, Wulfstan Ucca, Godwine æt Fechâm." These give examples of all classes. The subject of the mere nicknames is one which is specially curious.

[2] Take the cases of Odda *alias* Æthelwine, vol. ii. p. 407; Ealdred *alias* Brihtwine, vol. iv. p. 477; Orderic *alias* Vital, vol. iv. p. 496; and Harding *alias* Stephen, above, p. 231.

[3] See vol. i. p. 334; and above, p. 169.

no longer find their way into serious documents.[1] But in England before the Conquest there is no ascertained case of a strictly hereditary surname. A surname cannot be looked on as strictly hereditary till it has ceased to be personally descriptive. The line is drawn when the surname of the father passes to the son as a matter of course, though it may no longer be really applicable to him. In the older state of things we may be sure that Wulfric the Black was really a swarthy man, that Sired Ælfred's Son was really the son of an Ælfred, that Godred at Fecham really lived at Fecham. When hereditary surnames are established, the surname of Black may be borne by a pale man, that of Alfredson by one whose father is not named Alfred, that of Fecham by one who neither lives at Fecham nor owns land there. If the Norman Conquest had never happened, it is almost certain that we should have formed for ourselves a system of hereditary surnames. Still, as a matter of fact, the use of hereditary surnames begins in England with the Norman Conquest, and it may be set down as one of its results.

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Definition of hereditary surnames.

They begin in England with the Norman Conquest.

At the time of the Norman invasion of England, the practice of hereditary surnames seems still to have been a novelty in Normandy, but a novelty which was fast taking root. The members of the great Norman houses already bore surnames, sometimes territorial, sometimes patronymic, of which the former class easily became hereditary. A tale which, whether true or false in itself, equally illustrates the history of nomenclature, shows that the possession of a surname, a *to-name*, a name in addition to the Christian name, had begun in the twelfth century to be looked on as a needful badge of noble birth. The story runs that the

Introduction of surnames in Normandy.

[1] Every one's memory can supply him with examples, either among the less educated classes or in the familiarity of school and college life. The strongest case, one exactly answering to some of Mr. Kemble's examples, is that of calling a man by a familiar form of a Christian name other than that which he received in baptism.

CH. XXV. heiress of Robert Fitz-Hamon disdained Robert of Caen as a husband because he lacked a *to-name*, till his father King Henry satisfied her by bestowing on her suitor the *to-name* of Fitzroy.[1] But the patronymic surname did not so readily become hereditary as the local surname. When a man takes his surname from the name of his actual place of possession or residence, it is very hard to say at what particular point the personal description passes into the hereditary surname. The stages are therefore more easily marked in names of the other class. When Thomas the son of John the son of Richard calls himself, not Fitz-John or Johnson, but Fitz-Richard or Richardson, still more when a woman calls herself Johnson or Richardson, instead of John's Daughter or Richard's Daughter, the change is a rather violent one. But when, on the other hand, a Norman who bore the name of his birth-place or possession in Normandy, Robert of Bruce or William of Percy, found himself the possessor of far greater estates in England than in Normandy, when his main interests were no longer Norman but English, his Norman surname ceased to be really descriptive. It became a mere arbitrary hereditary surname; it no longer suggested the original Norman holding; it remained in use, even if the Norman holding passed away from the family. When a Bruce or a Percy had lost his original connexion with the place Bruce or Percy, when the name no longer suggested a thought of the place, Bruce and Percy became strictly surnames in the modern sense. There is nothing like this in England before the Norman Conquest; the change is strictly one of the results of that event. And the like process would take place with those land-owners, whether of Norman or of English birth, who took their surnames from

Comparison of local and patronymic surnames.

Growth of local surnames.

[1] On this story, which the riming chronicler Robert of Gloucester tells of the Earl of the same name, see Appendix BB.

places in England. With them too the local description gradually passed into the hereditary surname. And it should be remembered that a local surname taken from a place in Normandy is a sure sign of Norman descent, but that it is the only sure sign. It is with the surname as with the personal name. In the thirteenth century, or even earlier, the name of Roger or Gilbert no longer proves anything as to the descent of its bearer. So, if Roger or Gilbert bears the name of a place in England as his surname, nothing whatever is proved either way. When we find several generations of the name of Oily at Oxford, there is no doubt of their Norman descent. But if Tokig the son of Wiggod had left a son called Richard of Wallingford, there would be nothing in the mere name and surname to show to which race he belonged.[1] All names of this kind, whether taken from possession or from birth, easily become hereditary. But for several ages after the Conquest there was one important exception to their strictly hereditary character. Long after hereditary surnames had been thoroughly fixed, the clergy, especially the regulars, constantly called themselves after the places of their birth rather than by the surnames borne by their fathers. The son of Gilbert Becket was most rarely called Thomas Becket in his own day; his characteristic name was Thomas of London. And the same custom went on till the far later times of William of Wykeham and William of Waynflete.

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Distinctively Norman, only when formed from places in Normandy.

Use of local names among the clergy.

The history of the patronymic surnames is one which deserves to be worked out in a more careful way than has yet been done. Genealogists might here, if they would, do some real good to history. A number of English and Danish names which have quite gone out of use as Christian names are still in use as surnames. To take one

Growth of patronymic surnames.

Survival of English Christian names as surnames.

[1] Compare the case of the Cornish names, vol. iv. p. 171.

CH. XXV. case out of a hundred, the first man who was called Knott as a surname must have been the son of a man whose Christian name was Cnut. If any genealogist can find out when Knott was first used as a surname, he has found out the point of time down to which the name of the great Dane still lingered on in use as a Christian name. With regard to the customs of the two races as to the use of names, the case of the patronymics is the reverse of that of the local surnames. Among the bearers of local surnames we can easily detect the Norman; among the bearers of patronymics we can easily detect the Englishman. A man who bears a surname formed from an English name may be set down without doubt as being of Old-English descent. But when a man bears a surname formed from a Norman name, the name itself proves nothing. Of the crowd of surnames, for instance, formed from Norman names like Hugh and Gilbert, some of them surnames which are not now reckoned as what is vulgarly called "aristocratic," absolutely nothing can be said.

English names only distinctive.

A small class of names are formed from Christian names, but from female instead of male names. A man would bear the name of his mother in two opposite cases. He would bear it either when his father was unknown or when his mother was of much higher rank than his father. Had Fitz-Empress become a hereditary surname, instead of a mere personal description of Henry of Anjou, we should have had the greatest of all examples of the latter class. Of metronymics, as we may call them, used as personal descriptions, we find examples both before and after the Conquest. Robert the son of Wymarc is an obvious case. But with him the metronymic did not become a hereditary surname. His son was Swegen of Essex, and Essex is found as the surname of his descendant some generations later, that Henry of Essex

Surnames formed from the names of mothers.

who won so little credit in the Welsh wars of Henry the Second.[1] CH. XXV.

Another class of surnames rose out of those mere nicknames, sometimes intelligible, sometimes not, which were equally common among Normans and Englishmen. These fall into two classes. A great number of Kings and princes had personal surnames or nicknames, which have sometimes found their way into contemporary history, and sometimes have not. They were doubtless in familiar colloquial use, but only in colloquial use; and it is a matter of chance whether contemporary history chanced to mention them or not.[2] When it failed to do so, their use in anything like a formal way seldom begins till a generation or two after the time of their bearers, when it was needful to distinguish them from others of the same name. I doubt whether the famous surname of Hugh Capet can be found earlier than the biographer of Philip Augustus.[3] The nickname of Geoffrey Plantagenet has, in the like sort, been mistaken for a hereditary surname of his descendants, which it really became in the fifteenth century. There are some exceptions to this rule. The surnames of William Rufus and Geoffrey Martel are used so familiarly as sometimes to supplant their real names.[4] But none of these names, neither the *curt hose* of Robert nor the clerkship of Henry, passed into hereditary surnames. Hereditary surnames were indeed not needed in princely families, and they are not commonly found among them, except when a house,

Surnames formed from nicknames.

Nicknames of princes.

Capet.

Plantagenet.

[1] See vol. iv. p. 738. On metronymics, see Appendix XX.

[2] See the nicknames of Duke Robert, vol. iv. p. 638.

[3] He appears in Rigord (Duchesne, v. 18) as "Hugo dux Burgundiæ [a strange description], qui fuit filius Hugonis magni ducis, cognomento Chapet."

[4] On William Rufus, see above, p. 71. On Geoffrey Martel, see vol. ii. p. 276. William of Malmesbury, iii. 231, goes on to speak of him as Martellus, and in iii. 235 he speaks of a later Geoffrey as "cognomen Martelli hæreditarium sortitus." But it was hereditary only among the Geoffreys.

CH. XXV. like those of Stewart and Tudor, has risen to the Crown from a private station. But among the smaller bearers of names of this kind, as Flambard, Losinga, and the less intelligible Peverel, they seem to have become hereditary very early. Another class were the surnames formed from offices which became hereditary, as Marshal in England, Butler in Ireland, and Stewart in Scotland. It is hard to say exactly in what generation James the Steward passes into James Stewart, and the origin of the surname was not forgotten even at the coronation of James the Sixth.[1]

Surnames from offices.

Pretended cases of hereditary surnames before the Conquest.

The full investigation of the subject of surnames cannot of course be undertaken here. I am concerned with it only because the use of hereditary surnames in England was one of the results of the Norman Conquest. Of all the follies of genealogists, none so easily refutes itself as when we are told that bearers of such and such a surname were living at such and such a place at the time of the coming of the Conqueror. Of all the absurd inventions of family vanity, this is the most absurd. It is quite certain that every man now living had forefathers, whether *eorlas* or *ceorlas*, living in the eleventh century. Here and there a man really knows who his forefathers who lived in the eleventh century were. It is even possible that here and there the holder of a piece of ground may be able to show that he comes of the blood of the man who held it on the day when King Eadward was alive and dead. But one thing is absolutely certain in every case, namely that the man who held it on that day did not bear the hereditary surname which his descendants bear now. To answer pretensions of this kind, it is not even needful to turn a page of Domesday;

[1] See vol. iv. pp. 200, 367, 422, 521. James, an hereditary Stewart through his father, was described at his coronation as "Prince and Stewart of Scotland."

the pretension answers itself. The only thing that can be said is that more sympathy is due towards men who try in any way to make out their descent from the ancient blood of England, than to those who, having inherited old and worthy Teutonic names, love to exchange them for the names of spots in Normandy or France. CH. XXV.

Effects of the Conquest on local nomenclature.

While the Norman Conquest wrought these great and lasting effects on personal nomenclature, its effects on local nomenclature were much slighter. It is only in the case of an exterminating conquest, or at least in the case of a great displacement of the older possessors and a large foundation of new settlements, that the names of places are at all seriously changed. Of British names in England we have seen that the English Conquest made an utter sweep. Save in the lands where some considerable remnant of the old inhabitants remained, nothing survived but the name of a great city or of a great natural object here and there. Each body of English settlers gave its settlement an English name. So in the Danish settlements of the ninth century, settlements which involved far less displacement than the English Conquest but far more than the Norman, we have seen that the changes in local nomenclature were really extensive. A crowd of places in the Danish shires received names from their new Danish lords, and the older names of several shires or other local divisions passed away.[1] But in conquests which do not involve displacement, the local names are hardly touched. The Celtic nomenclature in Gaul has lived on through both Roman and Frankish conquests; all that happened was that specially Roman foundations received Roman names, and that the local names, both Celtic

British names swept away by the English Conquest

Danish names brought in in the ninth century.

Retention of Celtic names in Gaul.

[1] See vol. i. pp. 50, 51.

CH. XXV. and Roman, went through the same process of shortening and breaking up as the rest of the vocabulary of the French language. Much the same thing happened during the Norman Conquest of England. The Norman grantee of an English estate had no temptation to change the names of the places on it; it would have been quite against William's policy if he had done anything of the kind. The worst that he did was, as Domesday witnesses, to pronounce and spell the names of English places, like those of English men, in new and strange fashions. In this way the Norman Conquest no doubt helped and hastened the corruption of local names as well as of other words. Lincoln in common French speech became *Nicole;* but this grotesque corruption did not find itself into Latin documents, and it has now wholly passed out of memory.

Retention of English names after the Norman Conquest.

Really new names were confined to really new foundations. A good many castles and abbeys reared by Romance-speaking founders not unnaturally received Romance names. Of Richmond and Pontefract, of Rougemont and Newcastle, we have already heard; in the last case, the primæval kindred of one half of the name and the early naturalization of a French word in the other half makes the French and English forms nearly the same. In Montgomery, castle, town, and shire, as I have already noticed more than once,[1] the name of a Norman hill was transplanted whole to become more famous in the land of its adoption. So it is with many of the Yorkshire monasteries, whose names are formed after the type of their model at Clairvaux, and with not a few other foundations, ecclesiastical and military, in various parts of the island. But, as a rule, the foreign names did not displace English names; they were simply scattered about among them. Exceptions there were here and there; it was the most

New names given only to new foundations.

French names of castles.

Case of Montgomery.

French names of monasteries.

[1] See vol. ii. p. 196; vol. iv. p. 502.

unkindest cut of all when Lutgaresbury, the scene of the invention of the Holy Cross of Waltham, became the *Mons Acutus* of Robert of Mortain.[1] We may also count it as a change wrought by the Conquest in local nomenclature that a crowd of English towns and villages did, as it were, take a Norman surname. One mode of distinction between different places of the same name was to add the names of the saints to whom their churches were dedicated. But when the doctrine of the manor was fully established, it seemed natural to distinguish two places of the same name by adding the names of their several lords. Crown and church lands got such harmless surnames as those borne by King's Sutton, Bishop's Lydeard, and Stoke Canon. But a greater number bear names which are in truth badges of the Norman Conquest. The surname of many a Norman lord remains attached to his English manor. Higham Ferrers, Cleobury Mortimer, Stoke Lacy, and Shepton Mallet are all of them names which remind us of actors in our history.

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Norman surnames given to English places.

In England proper then the effects of the Norman Conquest on local nomenclature were of no great moment. They answer to its effects on language generally. Indeed its effects on nomenclature were slighter than its effects on language generally. Cases of the actual displacement of a local name were rare compared with the many cases of displacement both of personal names and of other words. In other parts of Britain, where the Norman Conquest, or the later conquests which grew out of it, had more in common with the conquests of earlier times, their effect on local nomenclature was much greater. I have already spoken of that remarkable intermixture of British, French, and English names which distinguishes the local nomenclature of South Wales, especially of the lands of Gwent

Local nomenclature of South Wales. British,

[1] See vol. iv. pp. 170, 272.

CH. XXV. French, and English.

and Morganwg.[1] While crowds of places still keep their British names, crowds of others, Norman castles, Norman religious houses, towns settled by colonies of Englishmen or Flemings, bear French or English names. In not a few cases the Welsh name has been translated into English; the long list of Llanfihangels would be longer still if the Michaelstons were added to it. French and English names are doubtless still the minority; but they are a very large minority, one which shows how great was the change wrought by Norman lords at the head of Flemish and English followers. The walled town with a municipal constitution was a novelty among the Britons; its name is often Welsh, but it is also often French or English. In many cases the town, the foreign settlement, does not form an ecclesiastical parish, but stands, with its foreign name, within some ecclesiastical parish which still keeps its British name.[2] The same kind of phænomena are to be seen in the nomenclature of Ireland also. But in that island a sprinkling of Teutonic names, among them the famous names of Waterford and Wexford, had been brought in by the Scandinavian settlers before the Norman or English Conquest. And in one corner of Britain, as I pointed out at a very early stage of this work, the Welsh names have utterly given way to those of the Teutonic settlers whom the policy of Henry the First placed there. The nomenclature of the Flemish district of Pembrokeshire, and of part of the peninsula of Gower, is as Teutonic as that of Kent itself. The witness of language shows that the driving out of the Britons must have been complete. And the new lords, whether their

Local nomenclature of Ireland.

Scandinavian names in Ireland.

Nomenclature of Flemish Pembrokeshire.

[1] See above, p. 111.

[2] Thus the town and castle of Newport on the Usk stand within the parish of Saint Woollos, the grievously corrupted name of the British saint Gwynllyw. At Aberystwyth the town and castle bear a British name, but they stand in the parish of Llanbadarn-fawr, once a bishop's see.

own blood was Norman, English, or Flemish, gave to their settlements names which were coined from their own personal names after a purely English pattern.[1] The disappearance of British names in this district answers to their disppearance before the Scandinavian immigrants in Cumberland. Only we know when and how the Flemings got into Pembrokeshire; when and how the Northmen got into Cumberland remains a mystery. CH. XXV. Nomenclature of Cumberland.

§ 3. *Effects of the Norman Conquest on English Literature.*

The effect of the Norman Conquest on literature is almost implied in its direct effect on language. When the English tongue was thrust down to the rank of a mere popular dialect, it followed that, so long as its degradation lasted, there could be no English literature, except a popular literature. In one sense, the immediate effect of the Norman Conquest was to cause a vast revival of learning and literature within the geographical bounds of England. In the age immediately before the Norman Conquest, the literature of England, whether in the native or in the Latin tongue, was certainly not rich. What the English tongue was capable of, how great a degree of perfection it was actually reaching, we see in our native Chronicles. But at the authorship of the Chronicles we can only guess; and it is certain that in the course of the eleventh century England produced no writer personally known to fame. One or two of the learned men of an Lack of literary works in England during the eleventh century.

[1] See vol. i. p. 51. Norman, English, and scriptural names are all represented in the nomenclature of this district. The ending is always the distinctly English *ton*. The chief towns, Pembroke and Tenby, keep British names in a corrupted form. *Tenby* has sometimes been mistaken for a Scandinavian *by*, but it is really the same name as Denbigh in North Wales.

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earlier age, one or more of the ecclesiastical Ælfrics, and Wulfstan of York, the eloquent denouncer of the sins of the nation, lived into the century, and that is all. The later Wulfstan, the saint of Worcester, was, like his namesake, famous as a preacher; it has been guessed that he was the writer of part of the Chronicles; but there is no proof that he was so, and no other writings of his are known. The great age of Northumbrian literature, the great age of West-Saxon literature, had both of them passed away before the coming of William, before the coming of Cnut. There was no lack of activity in the England of the eleventh century. We had our saints, our statesmen, and our warriors, equal to those of any other age. But we certainly have little to show in the way of learning or of written eloquence. One sentence disguised in a foreign tongue is all that is left to us of the speeches of Earl Godwine.[1] But, had it not been for the wisdom of a single man among his hearers, we might have had just as little left to us of the speeches of Periklês. Nor was this lack of men of learning confined to native Englishmen. We do not see that, among the foreigners whom Eadward gathered around him, he did much for the encouragement of learned men. It would have been something if it had been he, and not his cousin in Normandy, who found out the merit of Lanfranc and Anselm. But none of the Normans and Frenchmen who were promoted by Eadward, none of the Lotharingians who were promoted by Godwine and Harold, were men who at all approached this level. After the days of the unbishoply Ulf had passed away, the leading churchmen of England seem to have been men of respectable attainments. We hear of the medical skill of Abbot Baldwin,[2] of the lives of saints compiled by Fulc-

No certain writings of Saint Wulfstan.

Little encouragement of learning under Eadward.

[1] See vol. ii. p. 334.

[2] See vol. iv. p. 411.

hard and Goscelin;[1] from Bishop Gisa we have a small piece of autobiography.[2] And in this list we must not forget that Adelard whom Earl Harold brought from Lüttich to teach letters in the college of Waltham.[3] But the united efforts of all these men are less valuable to us than the writings of that courtly priest who, not till Eadward and Harold were both gone, recorded their deeds at the bidding of the widowed Eadgyth. And, as far as English feeling goes, their whole remains are but dust in the balance compared with those short utterances in verse and prose which tell how King Eadward made his realm fast to Earl Harold, and how men chose him thereto.[4] The moment William is on the throne, all this changes. England at once becomes the resort of the most learned men of the age, with the two mighty ones from Bec at their head. The throne of the Conqueror and of his scholar-son was surrounded by men renowned in every branch of learning, whether they were strangers or natives of the land, whether they were of Norman or of Old-English descent. The prose of William of Poitiers, the verse of Guy of Amiens, have told us the tale of the Conquest of England; and, through the whole of this period, we have never lacked the guidance of historians of various degrees of merit who wrote in the common speech of Western Christendom. In our own Florence, in his southern continuator and his northern interpolator, we read the unvarnished tale of the history of the time as it seemed to contemporary Englishmen. In our no less English Eadmer the worthiest of the strangers finds his loving, yet discerning, biographer. Orderic, in his Norman cell, teaches us how well England could be loved, even by men of foreign race born on her soil. Henry of Huntingdon preserves to us some faint echoes

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Influx of learned men under William.

Latin historians.

Florence and his continuators.

Eadmer.

Orderic.

Henry of Hunting-

[1] See Wright, Biographia Britannica, Anglo-Saxon Period, 512, 518.

[2] See vol. ii. p. 637. [3] See vol. ii. p. 443. [4] See vol. iii. p. 19.

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don preserves the Old-English songs.

Critical history in William of Malmesbury and William of Newburgh.

Imitation of classical models.

of the old heroic songs of England. In William of Malmesbury, soon to be followed by William of Newburgh, we come to the first historian who either deserves or lays claim to the rank of a critical balancer of facts and characters. Many of these men were Englishmen; in all of them we see the influence of England; but their tongue was the tongue of Rome. In many of them we see the fruit of the new outburst of classical learning, in a direct imitation of the classical writers of the elder time. The affectation of classical eloquence in William of Poitiers may make us suspect the real depth of his learning; but in William of Malmesbury we cannot fail to see the familiarity of the true scholar with the books which he had really mastered. These writers with whom we are more immediately concerned lead us on, through the statesman historians of Henry the Second, to the patriotic historians of Henry the Third. As the English-hearted Matthew Paris deals his blows at Pope and King, we can forgive him the calumnies against the last King of English birth with which his history begins. By this time the long series of monastic annalists has begun, among them that great school of Saint Alban's among whom Matthew himself holds the highest place, and who kept on the flickering light of English history till it died out in the darkness of the fifteenth century. The Latin historical literature of England in the twelfth century is a literature of which any country may be proud; and it stands out in contrast to the utter lack of writers of any eminence in the days immediately before the Conquest. And besides the historians, we have the theologians, the poets, the philosophers, the explorers of other lands. We have the travels of Sæwulf, the true English-born pilgrim; we have the verses of Godfrey of Winchester[1] and Reginald of

Matthew Paris.

The Saint Alban's historians.

Miscellaneous Latin literature.

[1] The Historical Epigrams of Prior Godfrey are printed in Wright's Satirical Poets, ii. 148.

Canterbury; we have the scientific research of the Englishman who had drunk in the lore of the Saracen, the forerunner of both the Bacons, the philosopher of the English, Æthelhard of Bath.[1] A few years more will carry us to the famous names of the early Angevin times, to the constellation of friends and foes who gather round Thomas of London, to the varied lore of John of Salisbury, to the lighter pages of the calumniated Walter Map, to the countless writings of the topographer of Wales and Ireland. Giraldus, garrulous, egotistic, spiteful, as he is, makes us half forget his faults in the endless instruction, the endless amusement, of his pages, and in the higher honour which our age at least ought to award to the father of comparative philology.[2] CH. XXV. Writers of Henry the Second's time. Giraldus Cambrensis.

Of the writers of the period stretching from the latter years of the eleventh century to the earlier years of the thirteenth I have mentioned but a sprinkling. My business is not to write a literary history, but simply to show how great was the intellectual awakening which followed immediately on the coming of William. Nor was it an awakening which was wholly confined to the tongue of priests and scholars. The Romance languages were now beginning to put off the character of mere vulgar dialects of Latin, and to take the form of distinct languages capable of literary culture. The Provençal tongue of Southern Gaul led the way, and the French of Northern Gaul was now ready to follow it. The developement of the Italian tongue naturally came later. Its chief dialects had not departed nearly so far from the purity of the classical Latin as either of the languages of Gaul. Men were therefore slower in Italy than in Gaul Growth of the Romance languages.

[1] Wright, Biographia, Anglo-Norman Period, 94. Cf. the mention of Æthelhard in the Pipe Roll of Henry the First, 22, and Mr. Hunter's Preface, xxi.

[2] See Comparative Politics, 486.

CH. XXV. to see that the popular speech had really become, for practical purposes, a language distinct from Latin, and one which might be cultivated alongside of it. In all these lands the cultivation of verse came before the cultivation of prose, and one can hardly doubt that, in the cultivation of French verse, the Normans, whether in their own duchy or in England, led the way. At a later stage of the language, under men who had a better claim to be called Frenchmen in the stricter sense, under Villehardouin and Joinville,[1] French prose gradually became a literary speech. Thus, alongside of the Latin literature of the twelfth century, the oldest French literature arose under the patronage of the Kings who ruled on both sides of the sea. And the French tongue of those days was a vigorous and manly tongue. Whenever we compare modern French with ancient, we see a falling off which is closely analogous to the falling off in our own language, though the form which the corruption takes is not exactly the same. Modern French, like modern English, has cast away a crowd of vigorous and expressive words, the place of which is poorly supplied by words of modern coinage. The French writers of the twelfth and thirteenth centuries are full of words, true and living words, which have come straight from the Latin in the natural process of formation, but which in modern French have been cast aside. It is a poor comfort that, when English was displaced by French, it was at least by French of the earliest and best type; but that comfort, such as it is, was assuredly ours. Whether Geoffrey Gaimar, Benoît of Sainte-More, and above all honest Master Wace, have any right to be called poets, I leave others to judge. But their rimes

Cultivation of French verse in Normandy and England.

French prose in Champagne.

Character of the old French.

Its later corruptions.

The French riming chroniclers.

[1] Both Villehardouin and Joinville were from Champagne (compare vol. iv. p. 695), but Champagne, part of the old duchy of France, is French as opposed to Normandy.

at least give us history or romance in a clear, straightforward, and vigorous shape, and their metrical form doubtless made it easier at the time to understand and to remember what they recorded. The name of Wace I can never utter without thankfulness, as that of one who has preserved to us the most minute, and, as I fully believe, next to the contemporary stitchwork, the most trustworthy narrative of the central scene of my history. Geoffrey Gaimar too deserves honour as one who, living in the conquered land and speaking the tongue of the conquerors, did not disdain to record in that tongue the history of the conquered. His work, containing, as it does, a continuous history of England in French verse, marks a stage in the fusion of the races. When Gaimar versified the English Chronicles, when Constance the wife of Ralph Fitz-Gilbert, and the more famous Walter of Espec, felt an interest in the contents of the English Chronicles, we see that the Norman settlers were fast becoming Englishmen. The man who went forth to battle under the banners of Saint Wilfrith of Ripon and Saint John of Beverley[1] looked on England as his country, and wished to know somewhat of its ancient history. So did one greater still. Earl Robert of Gloucester, son of the King who had been an English Ætheling, Robert of Caen as he was in his own person, felt the like interest in the native land of his father, the land which gave himself his greatest possessions and his highest title. Whether either Constance, Walter, or Robert themselves understood the English tongue, we cannot say for certain. At least they knew that there were writings in the English tongue on subjects of which they wished for knowledge, and they were well pleased that one of their own race who knew both tongues should clothe those

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Wace.

Geoffrey Gaimar.

Importance of Gaimar as a witness to the process of fusion.

Position of Walter of Espec and Earl Robert.

[1] See above, p. 263.

CH. XXV. native writings in the shape in which they themselves could best understand them.[1]

I have been carried away from the strict order of my subject by the mention of writers who have formed a part of my own materials and of others who at a somewhat later time hold a high place in the historic literature of other lands. The book which was dictated[2] by the Marshal of Champagne to tell how the New Rome was stormed and sacked by Christian hands, is the first great work in which French prose was devoted to a historical purpose. So Gaimar and Wace at an earlier time are the first examples of a like use of French verse. But there were French writings older than these, of less intrinsic value, but of no less importance in the history of language. Devotional writings, translations of Scripture and the like, written both in French prose and in French verse on English soil, are to be found at an earlier date than Wace or than Gaimar.[3] And we must not forget what was the subject of the song of Taillefer when he rode forth to defy the English host on Senlac. He sang of Charlemagne and of Roland.[4] Whether this means that the actual song of

Villehardouin.

Miscellaneous old French writings.

The song of Roland.

[1] See the end of the History of Gaimar, Chroniques Anglo-Normandes, 59 et seqq. His patrons are "Dame Custance la gentil," the wife of "Raul le fiz Gilebert," "Walter Espac," and "Robert, li quens de Gloucestre." He talks about "les livres as Waleis" and "le bon livere de Oxeford," which is no other than that of Walter Map. But all this fabulous part is lost, and we have only the history founded on the Chronicles, to which he refers as "l'estorie de Wincestre" and by other names. He tells us of himself,

"Il purchaça maint esamplaire, E en romanz è en latin
Livères engleis è par gramaire Ainz k'en pust traire à la fin."

[2] He describes himself (62) as "Joffrois li Mareschaus de Champaigne, qui ceste œuvre *dicta*."

[3] Some early French prose will be found in Wright, Biographia, Anglo-Norman Period, xvii, and some of the smaller poems at 125, 130. The Bestiary of Philip of Thaun (ib. 88) seems to be still earlier than the professedly devotional writers.

[4] See vol. iii. p. 478.

Roland which bears the name of Turold[1] was already in being, and whether the meaning of Wace is that Taillefer sang some part of it as a war-song, I do not undertake to determine. The point with which we are concerned is that there were already songs of Charlemagne and of Roland for Taillefer to sing. On English ground too, in the court of Earl Hugh of Chester, his chaplain, Gerald of Avranches, besides his goodly exhortations drawn from Scripture and earlier legend, added tales of the holy warrior and monk William, the soldier and favourite of the great Emperor, who, if we could believe that any kernel of history lurks in his legend, was the first to bear the glorious name of William of Orange.[2] One result then of the Norman Conquest was that the tales of Charlemagne and Roland and William were brought to our shores, and that Englishmen were taught to look on the greatest name among their brethren beyond the sea as having belonged to the race and speech of the enemy. And, as it were to meet the crop of foreign fable which came in upon us, another worse than foreign crop of fable grew up on our own soil. From Wales or from Britanny—the point is absolutely insignificant—Geoffrey of Monmouth, Geoffrey Arthur, brought the fables which so long passed current as the early history of Britain.[3] Of those fables all that can be said from the point of view of the historian is that, in the judgement of one of the first of living scholars, they contain some traces, strangely perverted and strangely transposed, of the local history of West-Wales.[4] That strange popularity of the Arthurian fables which has lasted down to our day dates from the twelfth century. The charm of stories which prove nothing and which teach nothing is not easy to understand.

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The Carolingian legends.

William of Orange.

The Arthurian legends.

Fragments of Cornish history preserved in them.

[1] See Wright, Anglo-Norman Period, 126.

[2] Ord. Vit. 598 B, C. See R. J. King, Sketches and Studies, 24.

[3] See Guest, English Rhythms, ii. 173.

[4] Such is the judgement of Dr. Guest in the Archæological Journal, 1859, p. 113 et seqq.

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Their worthlessness in every other way.

Comparison with the Homeric poems.

The Brut.

A genuine record of Arthur would be precious beyond words; the British champion who met Cerdic face to face must have been worthy of a portrait which might stand side by side with that of William himself. But it is strange that so many minds in so many ages should have given so much time and pains to tales which, in the form in which they come before us, do not preserve a single scrap of true history. In reading the Homeric poems, it is a matter of absolute indifference whether Agamemnôn and Achilleus were real men or no. The tale is a true picture of a certain stage of Hellenic and of Aryan life, and it gives us a trustworthy map of prehistoric Hellas. Arthur is a real man; but, whatever were his acts, they could not have been the acts attributed to him in the legends. The whole thing is valueless, except as a specimen of the strange way in which men could first draw an idealized picture of a state of things with which they were themselves familiar, and could then throw it back into an age where every detail was out of place. The twelve Kings who surrounded Alkinoos, even though Alkinoos and his isle may be sheer creations of fancy, have still their place in the early history of institutions. As for the knights of Arthur and the peers of Charlemagne, we can only regret that so much good time has been wasted upon them. It is with a feeling of shame which is felt more keenly when we turn from the honest work which the stranger Gaimar did for our early history, that we turn to the first long narrative poem written in the English tongue after the Norman Conquest. We there see the strange sight of an Englishman, striving again to win a place in literature for his native tongue, telling his tale in a true and vigorous form of his native tongue, but who could find no better material on which to spend his labour than an English version of the un-English fables of Brute and Arthur.

We are thus brought back in a strange way to the history of our own tongue. In the twelfth century a crowd of Latin writers were dealing in prose and verse with every branch of knowledge of which their age had heard. Less learned barons and ladies were listening to the French rimes which set before them, sometimes Norman and English history, but more commonly French and British fable. Meanwhile the speech of the natives of the land, thrust down as it was from its former rank, still lived on, however lowly was now its sphere. As it never ceased to be spoken, so it never ceased to be written. The Chronicle itself does not die out till more than half the twelfth century has passed. And we have English prose writings of a devotional kind contemporary with the later portions of the Chronicle.[1] The series of English prose writings goes on through the century in the form of homilies, of translations of Scripture, of turnings of the old charters into the newer form of the language. These go on, influenced sometimes more, sometimes less, by the new fashions, till English again became the one literary speech of England. The prose writings of these ages are mainly religious, and they give us English in various forms, according to the taste and circumstances of the writers, and according to the parts of England in which they were written. We have seen that, when a Bishop in the thirteenth century wrote a devotional book in English, it was English with a strong dash of French.[2] But when a Kentish priest, even in the middle of the fourteenth century, wrote for his own flock and for men of like degree, he wrote in the pure Teutonic of the Ayenbite of Inwyt.[3] In the hands of Dan Michel of

English prose writings of the twelfth century.

The Ancren Riwle.

The Ayenbite of Inwyt. 1340.

[1] See the extract from Old-English Homilies (of about 1120) in Oliphant, Standard English, 67.

[2] See above, p. 445.

[3] Oliphant, 208, 209. It might not occur to every one that *ayenbite* is

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Its designedly Teutonic language.

Northgate, English had not lost its power of forming compound words; or, to speak more truly, Dan Michel himself called to life again a power which was sleeping. His book, written a generation later than the work of Robert of Bourne, is itself an ayenbite of inwyt; it is a protest against the fashion of the day which was fast wiping out the old vocabulary of his native tongue. We have now reached the time when English in its new form finally displaced French as the polite language.

Later English prose.

The Travels of Sir John Mandeville, the Bible and the other writings of Wickliffe, mark the time of the final conquest. Since then, save when now and then some fresh ayenbite of inwyt has touched the hearts of Englishmen, the history of English prose is little more than a history of the way in which we have dropped the few inflexions which the fourteenth century had spared, of the way in which we have added fresh crowds of needless foreign words to the older intruders which had then already done their work on the tongue of England.

The Old-English heroic songs.

But the change which the Conquest wrought on the poetical literature of England is even greater than the change which it wrought on our prose. In nothing do we seem so utterly cut off from our earliest forefathers as when we turn to the oldest words of English speech, to the songs of days when England was yet beyond the sea, when the crews of the three keels had not yet crossed the whale's path to seek them a home in the conquered land of Britain. If there is anything truly national in the world, it is the old heroic songs of the English folk. They are indeed our own, from those first words of recorded English which tell how, while the Roman still reigned in York and London, the English traveller had

literally *remorse*, and that *inwyt* is what we are now driven to call *conscience*.

made his way to the court of the Gothic Eormanric[1]—from the song next in age which tells of the deeds of the Gar-Danes and the Scyldings[2]—down to the songs in which the last voice of English freedom told how Harold clave the shield-wall of Norway by the banks of Derwent,[3] and how Waltheof smote down the quaking Normans in the gate at York.[4] We had, beyond all doubt, our own history, alike mythical and real, sung by our own gleemen in our own tongue. We had our own tales of the fights between Briton and Englishman, between Mercian and West-Saxon, though they are preserved only in the faint echoes which still speak to us in the Latin of the twelfth century.[5] We had our song of Anderida and our song of Burford,[6] no less than our song of Brunanburh and our song of Maldon. Our ancient poetry was so strictly national that it clave to every ancient form and every ancient word. The song of Maldon is written in a tongue which must even then have been antiquated. Its whole diction is as unlike that of contemporary prose as the diction of Homer is unlike the diction of Xenophôn. The modern scholar feels the difference at every step. While Old-English prose has no difficulties which are not soon overcome by use, Old-English verse has to be studied like a foreign language. We may be sure that, in the eleventh century, the difference between the common language of prose and the traditional language of poetry was already distinctly felt. In the twelfth century at least it acted as

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Difference between their language and that of prose.

[1] On the Traveller's Song, see Guest, English Rhythms, ii. 76, 397. The text is in Kemble's Beowulf, 227; Grein, Bibliotek der Angelsachsischen Poesie, i. 251.

[2] See the opening of Beowulf in Kemble, Heine, Grein, i. 255.

[3] On the song of Stamfordbridge, see vol. iii. p. 721.

[4] On the song of Waltheof, see vol. iv. p. 268.

[5] By Henry of Huntingdon above all, but, in the case of Waltheof, by William of Malmesbury.

[6] We can see them plainly enough in Henry of Huntingdon, M. H. B. 710 C, D, 728 D, E.

CH. XXV. a hindrance to one who was zealous to preserve all that was left. Henry of Huntingdon has, in more places than one, mistaken the meaning of the songs which he translated.[1] And it is certain that this difference had a most important result on the history of the English language, as soon as the new influences were brought to bear upon it. Again we must make the remark which meets us at every stage, that signs of this change also are to be seen in the age just before the Conquest, and that the actual coming of the Normans did but give a fresh strength to causes which were already at work.

Contrast of the English battle-songs and the French riming chronicles.

No two things can be more unlike than an Old-English battle-song and a French riming chronicle of the twelfth century. The most spirited descriptions in the *Roman de Rou* are tame beside the living pictures of the victory of Æthelstan and the death of Brihtnoth. The two in short belong to wholly different classes of composition. The one is poetry of an archaic and traditional kind, poetry which could be nothing but poetry, poetry full of thoughts and words unheard of in prose. The other is simply a narrative which, for the sake of fashion or convenience, was thrown into easy flowing verse, while prose, if prose had been the fashion of the day, would have served the purpose just as well. Wace tells his story well; he has much that is clear, spirited, and striking; but so have Villehardouin and Joinville. And, besides the difference in diction and spirit, there is one most important difference in form. The Old-English poetry was rhythm, but it was not rime. In the French metrical chronicles rime is an essential feature. But rime had long been coming in, both into English and into other Teutonic poetry. The victory of the Frank Lewis over the Northmen was sung in riming verse of the ninth century,[2] and before long rime had

Introduction of rime.

[1] See Earle, Parallel Chronicles, 113.

[2] See vol. iii. p. 478.

made its way into English verse also.[1] The question is not when rime was first used, either by accident or as an occasional ornament—Homer has more rimes than one thinks for at first sight. The question is when rime became an essential feature of anything which took the poetic form. In the poem in the Chronicle on the fate of the Ætheling Ælfred[2] many of the lines rime, but the rime is not universal. So it is in the little song about Margaret,[3] and in the metrical part of the character of William. Rime is evidently welcomed when it comes; but the verse can get on without it. The bride-ale that was many men's bale comes in as a riming couplet in the midst of prose.[4] And so, when Ealdred puts forth God's curse on the man who hight Urse, William of Malmesbury thinks it needful to stop to explain what a rime is.[5] Yet rime had long been familiarly used in writings which William of Malmesbury must have known at least as familiarly as he knew the ancient songs of England. Possibly from Celtic models,[6] more probably from the natural process which seems to bring in rime everywhere, the use of rime had long been established in the popular kinds of Latin verse. Nor can we doubt that, had there been no Norman Conquest, the fashion of rime would have become the rule in English.[7] But the example of the French riming verse undoubtedly did much to bring rime into common use in English. Before the end of the twelfth century England had seen an English sermon in regular rime.[8] The use of rime, the jingle of endings as it has been called, gradually, but only very gradually, drove out the older jingle of beginnings, that practice of alliteration which plays so great and so effective a part in much of our older poetry.

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Influence of the French rimes.

[1] See Guest, English Rhythms, i. 119.
[2] Chronn. 1036.
[3] Chron. Wig. 1067.
[4] See vol. iv. p. 475.
[5] See vol. iv. p. 175.
[6] Guest, English Rhythms, i. 120.
[7] Ib. ii. 403.
[8] Standard English, 77, 79.

CH. XXV. In short, the use of rime, like the loss of our inflexions, like a crowd of other things both in our literature and in our political constitution, was so far an effect of the Norman Conquest that it came in faster and took firmer root than it could have done if the Norman Conquest had never happened.

Denationalization of English literature.

But the literary tastes for which the Norman Conquest made an opening wrought far more of change, far more of evil, than any changes that could be wrought in the language itself. There are moments in which we are tempted to say that it would have been better for the English tongue to have died out utterly than for it to be used, as it has been used, as an instrument for making Englishmen forget that they are Englishmen. That process of turning our backs upon ourselves, of denying the history of our race, of calling ourselves by any name rather than that by which our fathers called themselves—the habit of looking anywhere save to the rock from whence we are hewn and to the hole of the pit whence we are digged—all the errors against which we have to strive in preaching the hard doctrine that Englishmen are themselves and not some other people—all this comes of the Norman Conquest and of the literary tastes to which the Norman Conquest gave birth. As one man from the banks of the Severn, born of a foreign father, living in a foreign land, writing in a foreign tongue, never lost his English heart, his love for England and her history, so it was another man by the banks of the Severn who first taught the English tongue to bear witness against itself, who degraded it to become the channel of those wretched fables which in the minds of so many Englishmen have displaced alike the true history and the worthier legends of our fathers. The opposite to Orderic of Ettingsham is Lazamon of Ernley.[1] He had

Contrast of Orderic and Lazamon.

[1] We have him edited by Sir Frederick Madden in three volumes, London, 1847.

read the English book of Bæda and the Latin book of Austin, but he turned from them to the book that a French clerk made that was hight Wace. Wace truly well could write; we blame not him for writing, nor do we blame the noble Eleanor, that was Henry's Queen the high King's,[1] for hearkening to what he wrote. It was something that the Duchess of Aquitaine and the Canon of Bayeux should seek to know something of the past days of the conquered island; and, if ill luck threw the monstrous fables of Geoffrey in their way, the blame was his and not theirs. It was no crime in Wace to write a Brut in French; it was treason against the tongue and history of his race for Laȝamon to translate that Brut into English. Times had indeed changed since the days when the glee-men of England sang how West-Saxons hewed the fliers mightily with mill-sharp swords, and how Mercians shrank not from the hard hand-play. Then every national triumph awoke the thought of earlier national triumphs, and, as Scot and Northman fled before the sword of King and Ætheling, men thought of the old books which told how Angles and Saxons came from the East over the broad sea, how they overcame the Welsh, and gat them a land to dwell in. In the tenth century men knew that they were Englishmen; at the beginning of the thirteenth some of them at least had forgotten it. To the man who translated the French Brut, his own folk had become Saxish people and heathen hounds,[2] and Æthelstan, the

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Laȝamon's materials.

Unnational character of his poem.

[1] Laȝamon, i. 3;

"Boc he nom þe þridde, þe wel couþe writen,
leide þer amidden, and he hoc ȝef þare æðelen,
þa makede a Frenchis clerc, Ælienor þe wes Henries quene
Wace wes ihoten. þes heȝes kinges."

See Sir F. Madden's Preface, i. xi.

[2] Hengest is "an hæðene hund" in ii. 272 (to be sure a Welshman is speaking), but it needs a man with the English name of Aldolf (Ealdwulf) to kill him.

CH. XXV. lord of Earls, the giver of bracelets, is in his hands changed into an invader from beyond the sea.[1] All trace of national feeling must have gone from the heart of the man who could waste so many good words of English speech upon the silly tales of Brute and Arthur. The first sinner has had his following; he has done his work. To the mass of Englishmen Arthur and his fantastic company seem more their own than Hengest and Cerdic. We see what the coming of the stranger had done; it had rooted out the truest memories of our national life. Fancy for a moment a Brut sung at the court of Æthelstan, or even at the court of the denationalized Eadward. Even at that court men would not have displaced the heroes of the English name for the fancied glories of an enemy whose name neither Bæda nor the Chroniclers thought it worth while to record. From the Brut of Laȝamon we turn with pleasure to the contemporary Proverbs which, by a pardonable fiction, bear the name of Ælfred.[4] If they prove nothing else, they at least prove that even then there were Englishmen by whom the name and the worth of the greatest of Englishmen were not forgotten.

Its effects.

The Proverbs of Ælfred.

English metrical chronicles. Robert of Gloucester.

In this age then, the age when the influences of the Conquest were first brought to bear on English literature, our old heroic poetry sank for ever. At the end of the thirteenth century somewhat of English spirit awakes again in the chronicle of Robert of Gloucester. The English tongue, in its metrical form, is again used to record the deeds of Englishmen. But even here we have to make our way to English history through a preface of Welsh fable, and Robert's work at its best is but a riming

[1] See the wild way in which Æthelstan is spoken of by Laȝamon, iii. 284. He comes before Ine. One might almost suppose that he had been confounded with Guthrum-Æthelstan. See vol. i. p. 188.

[2] See Standard English, 91, 141.

chronicle, and not an heroic song. When English verse wakes again to deal with other than devotional subjects, it wakes, not in the form of the heroic lay, but in the form of contemporary satire and panegyric. The praises of Earl Simon and of his conqueror and disciple were sung in all the three tongues which were in use in England; and the great political manifesto which set forth the platform of the patriots was written, neither in English nor in French, but in riming Latin.[1] The first really original effort of the newer English verse took the shape of a piece of scathing mockery which did not spare the majesty of Augustus himself. English portraiture of contemporary Kings seems to leap from the broken words which told how all men loved Henry of Anjou, to the jeering song against the King of Alemaigne, how he asked for thirty thousand pounds, and how he "makede him a castel of a mulne-post."[2] Of this song we have no French version, nor is there any French version of the song in which somewhat later the husbandman set forth his wrongs, or of those in which men denounced the pride of the ladies and the corruption of the ecclesiastical courts.[3] It is only when we again come to panegyric, when the grief, less of England than of Christendom, is poured forth over the bier of the great Edward, that we find his praises sung in both the tongues of his subjects.[4] But the vein of satiric poetry which thus awoke in the thirteenth century was, in the course of the fourteenth, to mingle in one stream with another vein of English poetry, newer only than the oldest. If the poets of Beowulf and Finnesburh had no mediæval successors, the poets of Genesis and Judith, of Christ and Satan,[5] were the fathers of a line which did

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Satirical and panegyrical poems.

Simon of Montfort celebrated in three languages.

Poem on Richard King of the Romans. 1264.

Union of satirical and devotional poetry.

[1] This earliest systematic setting forth of constitutional principles in England will be found in Wright's Political Songs, Camden Society, 72.

[2] Political Songs, Camden Society, 69.

[3] Ib. 149, 153, 155.

[4] Ib. 241, 246.

[5] See Grein, Bibliotek der angelsächsischen Poesie, i. 129.

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not in the like sort die away. Cædmon, whose name we know, has not been left without followers like the older and later makers whose names we know not. Whatever we say of Laȝamon, we have no charge to bring against Ormin, who in Laȝamon's day kept up the succession of our sacred poets in honest English.[1] The devotional poetry of England still went on when the heroic lay was silent, till, in the moment of the final victory of our tongue, the two streams of devotion and satire flowed together in the Vision of Piers the Ploughman.

Ormin.

Piers Ploughman.

French influenced by English.

But while we have thus to dwell on the way in which the literature of our own tongue was affected by the language and literature of our Romance conquerors, we must not forget that our literature had its influence, though doubtless in a much slighter degree, upon theirs. The *Trouvère* and the *Troubadour* could not indeed sing his *lay* without using at least one Teutonic word. The name by which he called his song had found its way from the German into the Roman speech long before Provençal and French were distinguished from Latin.[2] And the matter of his song as well as its name sometimes came from a Teutonic source. In the thirteenth century, when so much French verse was translated into English, there was at least one case when English verse was translated into French. Whether the fables which Mary of France turned from French into English were the work of Ælfred or of Henry, they were at least fables wrought in the English

Teutonic words in Latin.

Translations from English into French.

Mary of France.

[1] On Ormin, his dialect, its strong Scandinavian leaning, and his peculiar system of spelling, see Dr. White's Preface to the Ormulum, lxx, and Standard English, 90.

[2] *Lai, Lay,* is simply the Old-English *Leoð*e, the High-Dutch *Lied.* The word even found its way, like *burgus,* into Latin, and appears in the form of *leudus.* In Venantius Fortunatus, "Barbaros leudos harpa relidebat." See M. de Roquefort's Preface to the Poems of Mary, i. 29. See also Ducange in Harpa.

tongue by an English King who understood the tongue of his people. They were turned into French by a French poetess at the bidding of an Earl of illegitimate royal descent, the famous William of Salisbury.[1] This looks as if Earl William, whether able or not to read an English book, was at least able to understand an English book when it was read to him. The poems of Mary, though written in French, show distinct signs of distinct English influence.[2] We may be sure that her works did not stand absolutely alone in this; alongside of the vast influence which French exercised upon English, English all the while exercised a slighter influence upon French. By the time that English finally displaced French, if French had corrupted English, English had also corrupted French, and the speech of Stratford-atte-Bow was no longer the same as the speech of Paris. At last, when the language of England came back to its old place, the literature of England, in its new shape, came with it. We see in Geoffrey Chaucer, not indeed the earliest of English poets, but the head and type of English poetry in its new shape. With him we again come to English poetry, no longer written for the churl only, but once more, after so long a time, written for earl and churl alike in the tongue which was once more the tongue of both. As it is absurd to speak of Chaucer as the eldest of a series which begins a thousand years before his day, as it is absurd to

CH. XXV.

Earl William of Salisbury, died 1226.

Mutual influence of the two languages.

Chaucer [1340–1400?] the first later English poet for all ranks.

No special blame to him.

[1] See vol. iv. p. 792.

[2] M. de Roquefort (i. 11) has collected several passages where Mary brings in English words and explains them, much as Wace (see vol. iii. p. 480) explains the English war-cries. Thus in the Lai du Chevrefoil, i. 398,

"*Goteleſ* l'apelent en Engleis,
Chevrefoil le nument en Franceis."

So in the Lai du Laustie, i. 314, she says of the bird so called in Breton,

"Céo est *reisun* en Franceis
E *nihtegale* en dreit Engleis."

Reisun must be the modern French *rossignol*.

ch. xxv. speak of him as the father of English poetry, it is no less unfair to speak of him as the chief corrupter of the English tongue. It was in the nature of things that a fiercer rush of French words into English should come at the moment when English displaced French. But neither Chaucer nor his contemporaries began the fashion. The fourteenth century in this matter only followed the lead of the thirteenth. The infusion of French words into English was the unavoidable condition of English winning back its old place from the intruding French. When England had once been made the prey of Romance-speaking conquerors, the land, its folk, its laws, its speech, could never be the same as if those Romance-speaking conquerors had never crossed the sea. In many things the stain has been, gradually and silently, but effectually, wiped out. Every step in advance has been made by taking a step backward. Every political reform has been in truth, however unwittingly, a falling back on the older day. Of the good and evil which the Chronicler spoke of as mingled in the character and in the work of the Conqueror, the good for the most part still lives; the evil has for the most part vanished with the bones which no longer rest in their tomb at Caen. If the Norman changed our free churldom into villainage, villainage is gone, and our older national crime of slavery is gone with it. In political and in social matters this might be; if we cannot call back the past by a conscious effort, we can come back to it by creeping step by step along paths which, while they seem to be leading us to new things, are in truth only leading us back to our oldest heritage of all. In language and in literature this cannot be. There, when the stain has once fixed itself, it can never wholly be wiped out. We can never get rid of the Romance infusion which has been pouring into our tongue ever since King Henry made, no longer *frith*, but *peace* for man and

The corruption of English unavoidable.

Reforms made by going back.

General good effects of the Conquest.

Return impossible in language and literature.

deer. Nor can we get rid of evils far greater than any mere infusion into our vocabulary. The weakening and deadening of our tongue, the loss of its old creative power, the long habit of looking to alien models, have taken too deep root among us to be wholly cast away. Since Laȝamon first taught Englishmen to dream of Arviragus and Arthur as national heroes, it has been a hard task to make them feel as they ought towards the heroes of their own blood, towards Arminius and Theodoric, towards Hengest and Cerdic and Æthelstan. It has been a hard task to make Englishmen understand that they are Englishmen, that their tongue is English, that they have a rightful share in a speech and a literature which have lived on for more than fourteen hundred years. In this way the effects of the Norman Conquest, which, in every other point, have been in the end for good, have been, in all that belongs to our tongue and whatever is written in our tongue, only and wholly evil. From this darkest page of our story we may turn with pleasure to the influence of the Norman Conquest in another way, to its effects on a side of our national life of less weight than our law, of less weight than our language, but which still is not wholly to be scorned. We will trace in our next Chapter the effects of the coming of the Norman on the art of England, above all on that highest form of art which found a new home on the conquered soil, to grow up there into the mighty tower of Rochester, into the pillared hall of Oakham, and into the crowning glories of Saint Cuthberht's minster by the Wear.

CH. XXV.

Ill effects of the Conquest on national consciousness.

CHAPTER XXVI.

THE EFFECTS OF THE NORMAN CONQUEST ON ART.[1]

Art in the eleventh century synonymous with architecture.

IN speaking of the art of Northern Europe in the eleventh and twelfth centuries, the word *art* is nearly synonymous with the word *architecture*. Painting and sculpture, so far as they existed at all, held a subordinate position, and were moreover at a very low ebb. Then, as in earlier and later times, illuminated books were wrought which we admire for their antiquity, for the brilliancy of their colouring, for the gorgeousness of their general effect. But works of this kind, as far at least as the drawing of the human figure is concerned, do not rank high in the esteem of technical students of painting. Of painting, as applied to buildings of this age, we know that its use was common, but we know little more. Richard the Fearless, when he whitewashed the outer walls of his church at Fécamp, enriched its interior with paintings of

Painting of walls.

[1] In this Chapter I have to give less the result of reading than of travelling. But no man can master the subject of architecture, least of all the architecture of the Romanesque age, unless he is thoroughly master of the history of the time. Disjointed and misquoted scraps of ancient writers simply lead to error. In speaking of architectural matters, I must pay my tribute to the names of Thomas Hope, of Petit, and of Willis, so lately lost to us; but I may truly say that my doctrine of the relation of Romanesque to other styles is one which I worked out for myself many years ago, and which greater experience has shown me no reason to change. See Fortnightly Review, October, 1872.

historical scenes.[1] But as to the style of those paintings we are left to guess from contemporary illuminations. The everlasting mosaics of Ravenna, Rome, and Pisa were unknown in Normandy and England. As for the sculpture of these times, it is in Northern countries grotesque and barbarous, in strange contrast to the marvellous forms of beauty which came into being in the thirteenth century. In fact, in the lands with which we have to deal, we can hardly set the art of the painter or sculptor of this age higher than the kindred craft of the goldsmith. They held—what some may hold to be their fitting position in all times—a relation of distinct subordination to the master-art which pressed them all into its service. CH. XXVI.

Subordination of other arts to architecture.

For the art then of the eleventh and twelfth centuries we must look almost wholly to their buildings, and among their buildings primarily to those of an ecclesiastical kind. And in the annals of architecture the eleventh century holds one of the highest places. It was one of the turning-points in the history of art. Alike in ecclesiastical, in military, and even in domestic architecture, it was a great creative age. Of all these forms of the art something must be said; but it is in the great churches of the time that the principles of the style must really be studied. This is true in a great degree of all mediæval architecture north of the Alps; but it is specially true of the architecture of the ages with which we are concerned. Then, as in all ages of good art, men built their religious, their civil, and their military buildings in the same style. But in the eleventh and twelfth centuries, no civil or military building afforded the same room for working out the principles of the style as was afforded by the inside of a great minster. Of the changes which the Norman Conquest

Importance of the eleventh century in the history of architecture.

The style to be mainly studied in ecclesiastical buildings.

[1] Dudo, 153 D. "Hinc forinsecus dealbavit illud, intrinsecus autem depinxit historialiter." Then follows the account of the gold and gems of the altars, vessels, &c. We are reminded of the matchless altar of Saint Ambrose at Milan.

CH. XXVI. wrought in military and civil architecture, changes which almost amounted to a creation out of nothing, we shall speak in their turn. But it is in the great churches of the time that the style of those ages must be really studied.

Historical position of the Romanesque style.

To that style, the Norman variety of Romanesque, I hold that justice is seldom done. I claim for Romanesque to be looked on, neither as debased Roman nor as imperfect Gothic, but as a genuine and independent style, of which Italy and Norman England produced two varieties of co-equal merit. The detail of the Northern Romanesque has the highest historical interest; it has a certain barbaric richness and grandeur, a certain appropriateness to the constructive form which it is called on to enrich. But it is not, in an artistic sense, strictly beautiful; it cannot be set side by side with the architectural detail either of old Greece or of later mediæval Europe. But, if we pass from the mere detail to the general design and construction of buildings, the eleventh and twelfth centuries may hold their own against any period in the history of the art. The fully-developed Romanesque style, whether in its Southern or in its Northern form, whether as we see it at Pisa or as we see it at Durham, is fully entitled to take its place as an independent style, a style worthy to rank on equal terms with the works of Iktinos and with the works of Wykeham. Each of the three great styles is the architectural expression of a great leading idea; each is the most perfect carrying out of one of the three great forms of architectural construction. The architecture of the round arch is in every sense the peer of the architecture of the entablature and of the architecture of the pointed arch. The architectural expression of rest and immobility is an artistic conception in no way inferior to the architectural expression of either of the two forms of horizontal and vertical extension. If not for actual beauty, yet for awful

Three forms of construction carried out in three great styles, Grecian, Romanesque, Gothic.

Romanesque the architecture of rest and solidity.

grandeur and sublimity, for the feeling of eternity wrought in stone, no work of man can surpass the minsters and castles which were reared in the new style which King Eadward brought into England.[1] As in everything else, so in art; what the Norman tastes of Eadward began, the Norman Conquest of William brought to its height. One of the direct results of that Conquest was the supplanting of the older style of English architecture, a style common to England with the rest of Western Christendom, by the new style which, among the other improvements of William's Norman reign, was fast growing to perfection in the great buildings of his duchy. And, if we hold that the buildings of any age or people are an essential part of its history, a consideration of the effects of the Conquest on the building art in England is a natural and not unimportant part of our subject.

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The older style of England supplanted through the Norman Conquest.

In most other points the effect of the Norman Conquest was to take England in some measure out of its older insular position, to bring it into a closer connexion, not only with Normandy, but with continental Christendom in general. Its effect with regard to architecture was somewhat different. It brought England into a closer continental connexion than was known before, but it was a connexion with one part of the continent only; its connexion with the rest of the world was rather weakened. England received the local style of Normandy in exchange for a style which she had received from the common centre at Rome. The so-called "Anglo-Saxon" style of architecture is simply a style common to England with the rest of Western Europe, and which is best distinguished by the name of *Primitive Romanesque*. Owing to the passion of the Norman prelates for rebuilding their churches on a vaster scale, the remains of this early style

The Primitive Romanesque common to Western Europe.

[1] See vol. ii. p. 508.

CH. XXVI. in England are few, small, and rude. Still there is enough left to show their close kindred to greater and more elaborate buildings in other parts of the world, especially in the kindred land of Germany. This common style, which prevailed through all Western Christendom up to the middle of the eleventh century, was, in the course of that century, supplanted in most countries by local styles. All these new styles followed the same general constructive principles, but each showed marked national features of its own. Each land, Italy, Aquitaine, Northern Gaul, developed a distinct local form of architecture for itself.

Growth of local styles of Romanesque in the eleventh century.

Analogy of language.

As the tongue which all these lands had learned from Rome had now broken up into distinct national languages, as men had learned that they were speaking, no longer a common Roman tongue, but the distinct national speech of Aquitaine or of France, so, in the like sort, the style of architecture which all had learned from Rome broke up into distinct national forms of art. As each national tongue was a variety of the common Romance speech, so each national style was a variety of the common Romanesque architecture. In the Teutonic mainland the course of things was different. There, if art was from the beginning foreign, language was from the beginning native. Germany had never changed her speech as Gaul and Spain had done; there was therefore no moment in the history of her language which answered to the moment when the Romance lands first found out that they were speaking distinct national languages. As the eleventh century did not in Germany form the same marked epoch in language which it formed in the Romance lands, so neither did it form the same marked epoch in architecture. The German architecture even of the twelfth century is not a distinct form of Romanesque, like the Romanesque of Normandy and Aquitaine. It is rather the Primitive Romanesque, improved indeed and developed, but not supplanted by any new

The Primitive style kept on in Germany.

and distinct style. The architecture of the pointed arch was in Germany the immediate successor, not of a style analogous to our Norman, but of a style which we at once recognize as a more artistic form of our so-called "Anglo-Saxon." Whether, if the Norman Conquest had never happened, the architectural history of the Teutonic island would have been the same as the architectural history of the Teutonic mainland, we have no means of judging. What we do know is that, in the course of the latter half of the eleventh century, the Primitive Romanesque of England gave way to the new form of Romanesque which had grown up in Normandy. The reign of Eadward saw the beginning of a great change in our ecclesiastical architecture; for then the English type of church began to give way to the Norman. In military architecture it saw the beginning of a still greater change; for the Norman castle, name and thing, was then first brought in among us. And what the reign of Eadward began the reign of William finished. In rude, small, and obscure buildings the elder style still lingered on by the side of buildings in the newer fashion. But by the end of the eleventh century the elder style had nearly died out; the Norman forms had become the rule in small buildings as well as in great.

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In England the Primitive style gives way to Norman. 1050–1100.

The Romanesque style is, in the eyes of classical pedantry, a mere corruption of the architecture of classical Rome. A wider view of the history of the art pronounces it to be no corruption, but rather a more perfect carrying out of ideas which classical Rome attempted only imperfectly. It is with the architecture of Rome as it is with her law and her language. None of them won its truly Imperial and œcumenical position till long after the stage at which the mere classical student brings his studies of Roman history and literature to an end. But, more than this, both in the literature and in the architecture of Rome the

Romanesque not a corruption, but a development of Roman architecture.

Analogy of Roman architec-

CH. XXVI. ture and Roman literature.

latest form, the so-called post-classical form, is in truth a falling back on the earliest, the ante-classical form. That is to say, in both cases it falls back on the true Roman form, after a time in which the true Roman form had given way to a foreign influence. The native poetry of Rome, the native architecture of Rome, lay hidden during the days of the Julii, the Flavii, and the Antonines. As the true Roman poetry, which had fallen with Nævius, rose again with Prudentius,[1] so, when we look on the Emporium by the Tiber, a building earlier than the days of Emperors or of Perpetual Dictators, we see, in its simple round-arched construction on which no Greek element has intruded, a perfect foreshadowing of any unadorned Romanesque building of the eleventh or twelfth century. Of this style the classical Roman is in fact a corruption. Practically we may look on it as a transitional style between Grecian architecture, the architecture of the entablature, and Romanesque, the architecture of the round arch. The characteristic of the classical Roman style is that the round-arched construction is more or less disguised by features borrowed from the Greek architecture of the entablature. A consistent round-arched style begins again when those Greek features are cast away, and when the round-arched construction stands out boldly without any attempt at disguise. Such a style, the style of the Emporium, existed all along in buildings like aqueducts and military towers, where Greek features do not appear at all, and in those where, as in the amphitheatres, they play quite a secondary part. But in buildings of a more ornamental kind, buildings where the column and not the massive square pier is the characteristic feature, the first beginnings of a consistent round-arched style are to be found when the architect first ventured to design an arcade where the arches rest immediately on the

The Emporium at Rome.

Classical Roman architecture a transition from Grecian to Romanesque.

The plainest Roman buildings the most truly Roman.

[1] See Comparative Politics, p. 323.

capitals of the columns. Such a beginning of consistent round-arched architecture is to be found in the palace of Diocletian at Spálato, a building which contains the germ of all later architecture, Romanesque, Byzantine, Saracenic, and Gothic. There, in the arcades of the great peristyle, the slender shafts, the gorgeous capitals, of the Corinthian order, have found themselves a new work, to bear up no longer the dead entablature, but the living arch. When this great step had once been taken, the full developement of Romanesque architecture was only a work of time. The basilicas of Ravenna, of the fifth and sixth centuries, the works of the degenerate Roman and of the triumphant Goth, exhibit essentially the same type, though the buildings alike of Placidia, of Theodoric, and of Justinian fell back in some things from the bold innovation of the master-mind that planned the court of Jovius.[1] Grecian conceptions have now utterly died out. The one feature of the Greek style which could be turned to the purposes of a arched mode of construction has been pressed into the service and has found its proper place. On the buildings of Ravenna follow the buildings of Lucca, and Lucca leads the way to the crowning glories of Pisa. In Rome itself the fight was hardest. In the Mother and Head of all churches, and in the basilica of Saint Paul beyond the walls, the columns supported arches from the beginning. But in the two churches of Saint Mary, on the Esquiline and beyond the Tiber, the entablature alone was used, and in the old Saint Peter's, the crowning-place of Charles and Otto, room for both constructions was found among its many ranges of columns. In Rome indeed the struggle went on till

Beginning of consistent round-arched columnar architecture in Diocletian's palace at Spálato.

Buildings of Ravenna;

of Lucca and Pisa.

Churches of Rome.

[1] In the buildings of Ravenna, as also at Trieste and Parenzo, a member is commonly thrust in between the abacus and the capital. In Byzantine work, as in Saint Vital at Ravenna, this grows into a double capital. There is something to be said for this unsightly feature on constructive grounds, as guarding the delicate capital from the pressure of the arch. The true remedy is found in the heavier abaci of Lucca and Pisa.

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Basilican interiors.

Campaniles.

The Byzantine or domical type.

Growth of the cupola.

elsewhere the round arch itself had passed away; the entablatures of the nave of the basilica of Saint Lawrence are contemporary with Salisbury and Amiens. Still it was only as a survival that the entablature lived on; the true form of the basilica is that in which the main feature is the arcades, resting in one type on columns, in another on square piers, or, by a not uncommon arrangement, on columns and piers alternately. A stage a little later brings in that special feature of the external outline which distinguishes the Christian church from the temples of every other religion. The invention of bells led to the building of lofty towers, adjoining or all but adjoining the churches. Thus arose the purely Italian type of church, all glorious within with its long arcades, its arch of triumph, and its apse, but depending for its external effect almost wholly on the tall, slender, tower. But, even before this type of church had grown to perfection, another wholly distinct type had grown up in the lands beyond the Hadriatic. The New Rome had her own great architectural invention, the noblest offspring of the arched construction, the spreading cupola, the liveliest copy that man's skill can frame of the vault of heaven itself. Nowhere could that great invention have been so fittingly brought to its perfection as in the city which was Greek and Roman at once. In the earliest times of Greece, before her written history begins, the Kings of Mykênê, the *Bretwaldas* of Hellas, had reared those tombs or treasuries which show such a wonderful striving after the domical form while the domical construction was not yet understood. What early Greece strove after, the Old Rome brought to its constructive perfection, and the New Rome first employed for its noblest use. The cupola of Agrippa rose only from its own walls, and was unequally yoked together with a portico of Grecian conception. But the cupola of Justinian, the work of the genius of Anthemios, rose in air

on four mighty arches, the roof and crown of the four arms which joined in one common effort to bear it aloft. Thus arose two distinct types of churches. There was the Roman basilica with its long rows of columns, and there were the churches of the Byzantine type, where the cupola is the main feature of the building, sometimes in truth the building itself. Both types flourished side by side in Italy; both influenced the architecture of the lands beyond the Alps. The influence of the basilica is present wherever we see the long nave and aisles unbroken by any central lantern. The influence of the Byzantine type is present, not only in Saint Vital and at Aachen, in Saint Mark at Venice and Saint Front at Perigueux, but in buildings where Byzantine forms were far less directly imitated. Wherever a central lantern, be it an octagonal cupola or simply a square tower, forms the dominant crown of the building, we see a trace of the great architectural invention of the Eastern Rome. In many buildings, and among them in nearly all the great minsters of England and Normandy, we see the two types fused together. Their union is seen wherever the long basilican nave is united with the central lantern in any shape, be it the cupola of Pisa or the square tower of Durham. The exuberant fancy of the German architects worked the two elements together into forms of wonderful complexity and picturesqueness. And the union of the two types specially concerns our subject, because the primitive Romanesque architecture of England was of purely Italian origin, while the later style which was brought in from Normandy was not without a Byzantine element.

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Two types of churches, Basilican and Byzantine.

Byzantine influence in the central lantern.

Fusion of the two types.

It is a favourite dream of a certain school of antiquaries that Englishmen before the Norman Conquest were incapable of putting stone and mortar together. This notion has sprung in a great degree from the unlucky

Vulgar notions about English architecture before the

CH. XXVI. Norman Conquest.

practice of speaking of all Englishmen before the Norman Conquest confusedly as "the Saxons." As some people seem to fancy that all "the ancients" lived at one time, so some people seem to fancy that all "the Saxons" lived at one time. Let it be once fully understood that be-
449–1066. tween Hengest and Harold as long a time passed away
1066–1683. as between Harold and Charles the Second, and the difficulty is pretty well got rid of.[1] It must however be granted that the history of architecture in England does not begin with Hengest, but with Æthelberht, and it
597–1066. may further be granted that the four hundred and seventy years between Æthelberht and Harold were not so rich
1066–1537. in architectural developements as the four hundred and seventy years between Harold and Henry the Eighth. Those ages were, both in England and elsewhere, a time when the art was unusually stationary. The reason for its stationary character undoubtedly was that the different nations of Western Europe still followed one common model, and had not yet struck out national varieties of art for themselves.

No English buildings of stone before Augustine.

It is not likely that any buildings of stone were built in the Teutonic parts of Britain between the first settlement of the English and their conversion to Christianity. It is most unlikely that our forefathers brought with them the art of building in stone from their elder home; and assuredly they never thought, as the

[1] I have before now, when arguing that stone buildings of the eleventh century might possibly exist, been told that "the Saxons" could not build in stone, and I have been referred to the description in Bæda (iii. 25) of the church which Finan, "non de lapide sed de robore secto, totam composuit atque arundine texit." It was forgotten that this was not the work of any "Saxon," and that it is expressly said to have been built "more Scottorum." But it would seem that some hold that all the inhabitants of the Isle of Britain from 449 to 1066 were contemporary with each other, and that all were alike "Saxons." Bæda (iii. 4) speaks of Ninian building "ecclesiam de lapide, insolito Brittonibus more."

On this question of stone and wood, especially in Scotland, see the remarks of Mr. Stuart, Book of Deer, p. cxlix.

Goths did in Italy, of preserving or imitating the works of that Roman civilization which they swept away. Wood was no doubt the common material for houses in early times,[1] as, in districts which are rich in timber but poor in stone, it has remained almost to our own times. And, while houses were commonly of wood, churches, and even minsters, were beyond doubt not uncommonly built of the same material.[2] But the use of stone for ecclesiastical buildings was perfectly familiar in England from the days of Augustine onwards. Augustine himself made his metropolitan church out of the remains of a Roman basilica;[3] his church was, not destroyed, but raised in height, by Oda;[4] and it lived on through the fires of the Danish plunderers to fall a victim to the same means of destruction in the early days of William.[5] At Dover the work of Eadbald still remains.[6] At York, Eadwine began the building of a church of stone,[7] which was ruined in the troubles which followed his death, and was repaired by the care of Wilfrith.[8] Wilfrith himself was a

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Use of wood.

Use of stone from Augustine onwards.

Canterbury.

Dover.

York.

[1] On the substitution of stone for wood in domestic buildings, see vol. ii. p. 139. See also vol. i. pp. 472, 486 on the difference between different districts in that matter.

[2] It will be remembered (see vol. ii. p. 513) that Eadgyth substituted a stone church for a wooden one at Wilton.

[3] Bæda, i. 33. "Augustinus . . . recuperavit . . ecclesiam quam inibi antiquo Romanorum fidelium opere factam fuisse didicerat et eam . . . sacravit."

[4] See vol. iv. p. 125. [5] See vol. iv. p. 125. [6] See vol. iii. p. 535.

[7] He first built a temporary church of wood (ecclesia Sancti Petri Apostoli, quam ibidem ipse de ligno . . *citato opere* construxit), and afterwards began one of stone which Oswald finished (curavit majorem ipso in loco et augustiorem de lapide fabricare basilicam . . . præparatis ergo fundamentis . . . cœpit ædificare basilicam. Sed . . . opus successori suo Osualdo perficiendum reliquit). But the church which he built at Campodunum was clearly of wood, because when it was burned "evasit ignem altare, quia lapideum erat." Bæda, ii. 14.

[8] He found (Eddius, Vit. Wilf. 16, Gale, p. 59) the stone walls broken down (basilicæ . . in diebus Eadwini . . primo fundatæ . . officia semiruta lapidea eminebant); the windows were open (fenestræ apertæ), and the whole place was forsaken. Wilfrith covered the roof with lead, glazed the windows

CH. XXVI. great builder. His church at Ripon was built of polished
Ripon. stone, and adorned with columns of various kinds, probably, like those in the basilicas of Ravenna, the spoil of earlier buildings.[1] Nor have the works of this early time altogether perished from among us. Wilfrith's crypt at Ripon,
Hexham. and its fellow of like workmanship at Hexham,[2] still remain, and there is reason to believe that some small traces of the masonry of Eadwine and Paullinus may still be traced under the many strata of various ages which are
Brixworth. embedded in the more spacious crypt of York.[3] The same century probably beheld the building of the still existing basilica at Brixworth, built out of the bricks of some Roman building.[4] It saw also both in northern and southern England the rise of buildings of higher historic interest than any that had risen since the very first days of the conversion. The age of Bæda in Northumberland, the age of Ealdhelm in Wessex, was no less a church-building age than any of those later ages of which we have greater remains. As it is, we have enough left at once to bear witness to the state of art in those days, and to serve as still living memorials both of the saint of Jarrow and of the
Works of Benedict Biscop at Jarrow and Monkwearmouth. saint of Sherborne. By the banks of the Wear and the Don, Benedict Biscop, by the help of workmen from Gaul, reared the churches where Bæda worshipped and which Ealdwine repaired, and where the havoc of the ninth

(per fenestras introitum avium et imbrium vitro prohibuit, per quod tamen intro lumen radiabat), and whitewashed the walls (parietes . . . super nivem dealbavit), like Richard at Fécamp.

[1] Eddius, 17. "In Hrypis basilicam polito lapide a fundamentis in terra usque ad summum, ædificatam *variis columnis* et porticibus suffultam, in altum erexit et consummavit."

[2] The crypt at Hexham is largely built out of stones with Roman inscriptions and ornaments, fragments most likely of the great wall which is not far off.

[3] See vol. iv. p. 373.

[4] I speak of the church of Brixworth only from very old remembrances; but I distinctly remember the arches of Roman brick which suggested the idea of its having been made out of the remains of an earlier building.

century and the renovation of the eleventh have still left us no small portions of the venerable work of the seventh.[1] In the south too, under the fostering patronage of Ine, Ealdhelm reared at Malmesbury and at Sherborne minsters parts of which gave way only to the great works of Roger in the twelfth century, and which the historian of Malmesbury who had seen them did not despise. Of a number of smaller churches which were also the work of Ealdhelm one still stands to upset preconceived theories by the simple evidence of fact. Small in size, but by no means rude in workmanship, far more finished than the buildings of Benedict in the north, showing in its arcades a near likeness to the works of Honorius—let us rather say of Stilicho—on the gates of Rome, the old church of Bradford-on-Avon still lives, a witness of the forms which the arts of Rome took on English soil while Wessex was still a land which had to struggle against the Mercian on the one side and the Briton on the other. Bradford too, besides its value as a work of architecture, gives us also what I believe is a solitary example of the sculpture of so early a time.[2] It is remarkable that among our dated buildings a greater number belong to these very early times than to either of the two great later times of church-building, just before and just after the Danish conquest. The churches of Oswald at Worcester, of Æthelwold at Winchester, of a crowd of others which marked the reforming age of Dunstan, have utterly perished. But we have evidence enough to show that they were, as common sense would lead us to expect, large and complicated buildings of stone.[3] Of the many buildings the foundation of which

CH. XXVI.

Works of Ealdhelm at Sherborne, Malmesbury,

and Bradford-on-Avon.

Churches of the age of Dunstan;

[1] See vol. iv. p. 665, and Appendix YY.

[2] On the buildings of Ealdhelm, and the evidence about them supplied by William of Malmesbury, I have spoken minutely in the Proceedings of the Somersetshire Archæological and Natural History Society, 1874, pp. 27, 53.

[3] On the church of Æthelwold, see Willis, Winchester, II, 34.

CH. XXVI. of the age of Cnut and Eadward.

we have had to record in the course of our immediate history, of the church of Cnut at Saint Eadmundsbury, of the church of Ealdred at Gloucester, of the church of Leofric at Coventry, of the church of Eadgyth at Wilton, nothing is left. We know not how far those among their builders who were contemporary with the Normannizing Eadward shared his foreign tastes, and how far they clave to the earlier traditions of England. One example only remains, the nave and tower—the choir has perished—of Earl Odda's church at Deerhurst, a distinct example of Primitive work without the slightest sign of Norman influence.[1] Odda's work at Deerhurst, when compared with Eadward's work at Westminster, shows clearly that the new style which was brought in by Eadward was in strictness a new style which supplanted the elder one and did not grow out of it. Of undated examples of Primitive Romanesque, without in all cases ruling that they are chronologically older than the coming of William, we have a considerable store, but they are all small, rude, and mutilated.[2] Save Bradford, a perfect church of this time hardly exists. But fragments, single arches and the like, are not very uncommon, and towers, in some districts at least, may almost be called abundant. The towers are the best preserved portions of these ancient buildings, those in which we are best able to study the characteristic features of the style, and to make the needful comparison with the analogous examples in other lands.

Deerhurst.

The Primitive Romanesque style essentially Roman.

The distinctive features of the Primitive Romanesque in England all tend to connect it with the earlier Italian, and not with the later Norman style. It is not an imperfect Norman; it is not something out of which Norman grew; it is an independent, however rude, form of art,

[1] See vol. ii. pp. 161, 407.

[2] Lists of fragments of this kind, commonly called "Saxon," will be found in many architectural works.

which the Norman style supplanted. It was called the "Roman" fashion in the days when it first came in,[1] and Roman in its essential character it remained as long as it lasted at all. Its masonry shows its Roman origin. I cannot indeed point to any distinct examples in England, such as may be found in Gaul,[2] of an undoubted imitation of the Roman manner of walling. But the huge stones which form the sides and arches of the doors and windows are thoroughly Roman in feeling, however rude in execution. The long-and-short work, though it looks so temptingly like a wooden construction imitated in stone, is far more likely to be an imitation of such masonry as may be seen in the vaults and passages of the amphitheatre of Verona. Everything is hard and square; the mouldings and other attempts at ornament—and in some cases the attempt at ornament is rather extensive—are quite unlike the future Norman, and have far more the feeling of a rude imitation of Roman work. The windows are small and narrow, and are often furnished with a splay without as well as within. Square strips, the descendants of pilasters, form one of the few sources of external enrichment. The point as to which we know least is the treatment of the main arcades of the churches, as hardly a single building with aisles remains to us. The massive square pier, so characteristic of the churches of Germany down to a far later time, was certainly sometimes used. But the description of Wilfrith's church at Ripon shows that the column was also used, and at Repton we still see

The interiors of the early churches.

Use of columns.

[1] Bæda, Vit. S. Ben. 5. "Benedictus, oceano transmisso, Gallias petens, cæmentarios, qui lapideam sibi ecclesiam juxta Romanorum, quem semper amabat, morem facerent, postulavit, accepit, attulit."

[2] As one example out of many I may quote the Romanesque work at Le Mans, both in the cathedral and in the palace of the Counts. Its masonry is a close imitation of the neighbouring Roman walls. These cases must be distinguished from those in which Roman materials were used up again.

CH. XXVI. a style of column, fantastic indeed and uncouth, but not altogether forgetting classical proportions. And we may be sure too that the massive round pier was not unknown. It is a feature so exclusively characteristic of English, as opposed to continental, Norman that it is hardly possible to account for its use, except on the belief that it was an insular fashion which the Norman builders in England adopted. The usual form of the greater churches was certainly basilican; the metropolitan church was a vast basilica with an apse at each end, as in so many German examples.[1] The projecting transepts and the central lantern, whether in its Byzantine or in its Norman shape, were rare, though not altogether unknown.[2] In short, the Old-English style, Roman in its origin, kept on to the last those distinctive features which proclaimed its close connexion with the native architecture of Italy.

Ground-plan of the churches.

The early towers.

But it is in its towers that the Primitive Romanesque of England has left its most precious relics. Some of the existing examples of the style are undoubtedly of later date than the Norman Conquest; but that fact, when rightly understood, only proves more distinctly that England had a distinct form of Romanesque before the Norman Conquest. Of others, which have no likeness whatever to Norman work, whose builders cannot be conceived to have seen any Norman detail, no one can reasonably doubt that they are older than the Norman Conquest, though it would be vain to attempt to fix exact dates to each in cases where we have no documentary evidence. Such, among others, are the towers of Earl's Barton in Northamptonshire and of Barton-on-the-

[1] See vol. iv. p. 361.

[2] The central tower is found in the church in Dover Castle, at Jarrow, and in some other Primitive examples, but it cannot be called a characteristic of the earlier style, as it is of the Norman.

Humber, of Ovingham and Bywell in Northumberland, of Sompting in Sussex and of Saint Benet's at Cambridge, and the tower into which some hand later than Benedict and earlier than Ealdwine carried up the venerable western porch of Monkwearmouth.[1] Among these towers there are many points of unlikeness, and a minute examination might easily range them under several classes; but they all have a common character, a character which parts them off from the Norman towers which followed them, and which connects them with a large class of towers in Italy and elsewhere in Western Europe. All alike are tall, hard, unbuttressed; their ornament, when they have any, is sought in the hard, and commonly square, strips. In most of them even this kind of enrichment is but sparingly used, while sometimes, as in the famous tower of Earl's Barton, it is lavished to an extent which produces a striking effect of barbaric grandeur. But the distinctive feature of all is the windows. Two, sometimes more, round-headed lights are grouped together and divided by *mid-wall* shafts, or sometimes balusters. The thing is as unlike any Norman work as it can be; not only are the details different, but the feeling is as unlike as possible. These early towers have a strongly marked character of their own, a character strikingly unlike their Norman successors in England, but no less strikingly like a large class of towers in various countries of Europe. Towers of essentially the same class are found in the combes and on the mountain slopes of the Pyrenees; they are found in the great Burgundian valley of the Rhone and in the outlying Burgundian valley of Aosta; they are spread over the whole breadth of the German kingdom, from Bremen to the Brenner pass. But Saint

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Examples of the same kind on the continent.

[1] Much longer lists will be found in many architectural works. I mention only those towers which I have myself specially studied. On the tower of Monkwearmouth, see Appendix YY.

CH. XXVI. Their common origin.

Aventin in the Pyrenees and Earl's Barton in Mercia did not borrow from one another, neither did either of them borrow from Sitten or Schaffhausen. It is in architecture as it is in language; the likeness among these distant examples is to be accounted for only by their derivation from a common source. That source is to be sought in Italy. The Primitive towers of England, Germany, Burgundy, and Aquitaine are all reproductions of the campaniles of Italy. Our examples are plain and rude; but this is simply because all our minsters of this age have given way to later successors. Schaffhausen and Saint Zeno itself differ from our "Anglo-Saxon" towers, not as members of a different class, but as superior members of the same class. Between the English towers and the smaller and ruder Italian towers there is hardly any difference; there are towers in Lincoln and in Verona which might change places and still seem at home. In all of them, great and small, there is the same general character; the same hard, square outline, the same lack of buttresses, the same mid-wall shafts. But the English towers are invariably square; the round towers of Ravenna found no imitators, unless any of those of East-Anglia can be shown to be of so early a date. How far the Ravenna type influenced the architecture of Ireland is another and a more difficult question. If the Irish round towers are copied from those of Italy, they have forsaken their models in almost everything except their mere shape. The Italian towers are tall and slender; but there is nothing in Italy, in England, or even in Germany, to compare with the height and slenderness of the Irish examples. We are tempted to call this height and slenderness exaggerated; but that word hardly applies to buildings which have so strongly marked a character of their own, and which really can be compared to nothing in the world but themselves.

All come from Italy.

Irish round towers.

CH. XXVI.

This Primitive style, which England, like the rest of Western Europe, borrowed from Italy, underwent a different fate in Italy and in Germany from that which befell it in Gaul and Britain. In Italy the native Romanesque gave way, in the thirteenth century, to a helpless imitation of the Northern Gothic. Still the type of the Italian campanile never wholly died out; towers reproducing its general type, but with details of the fourteenth, fifteenth, or even sixteenth century, are found both at Venice and at Verona; and the noblest example of the square campanile in its later form, the mighty bell-tower of Spálato, a thousand years later in date, is still thoroughly kindred in spirit with the arcades of Jovius over which it soars. And before the Italian Romanesque gave way to the corrupt Italian Gothic, it produced at Lucca and Pisa a style of singular beauty by falling back on a more classical style of column. In Germany too, though no strictly new style was brought in in the twelfth century, yet the buildings of that century show a marked improvement on those of the eleventh. The later German style, the Romanesque of the great churches on the Rhine, is essentially the same as the earlier style of Hildesheim, Soest, and Würzburg, but it is the same style refined and improved. With its mid-wall shafts, its double splays, its massive square piers, its rare use of distinctly Norman ornaments, it stands distinct from the Norman and English architecture of the twelfth century. In Germany in short the Primitive style lived on through the twelfth century, and was the immediate predecessor of the Gothic.

History of Romanesque in Italy and Germany.

The Primitive Romanesque continued and improved in Germany.

In Gaul and Britain the case was widely different. We have abundant evidence that the Primitive form of Romanesque prevailed in all parts of the Gaulish lands. One of those lands, the royal Burgundy, among a crowd of smaller examples, can boast of the wonderful church of Romainmoutier, almost the only building on a large scale

History of Romanesque in Gaul.

Romainmoutier.

CH. XXVI. which has survived with but little change from the eighth century. And no Englishman who sees that venerable pile can fail to see in it, carried out with grander proportions, a style absolutely the same as that which is shown in the small, rude, and mutilated remains of his own island.

Primitive remains in Aquitaine and France.

Scattered through Aquitaine and France other buildings of the same type will here and there meet the eye of the traveller, such as the Temple of Saint John at Poitiers, the abbey of Pleinpied in Berry, the ancient nave at Beauvais, and, above all, a building which has a special charm for the student of English history in the eleventh century,

The abbey of Saint Remigius at Rheims.

the mickle minster of Rheims. In the mighty pile where the ambassadors of England met Pope and Cæsar at its hallowing,[1] the pile on which Gyrth, and perhaps Harold himself, looked while still in its freshness,[2] the work of the first half of the eleventh century still lives, half covered, but by no means wholly effaced, by the richer forms of the twelfth. The forms of its capitals, strange and uncouth as they seem to eyes familiar with either classical or Norman forms, belong to the last days of the Primitive style, but they still claim kindred alike with Repton and

New forms of Romanesque in Gaul.

with Hildesheim. But the Primitive style of Gaul, Southern or Northern, did not, like that of Germany, itself grow into a more finished form of art in the next century. In all parts of the land, from the Pyrenees to the Côtentin, it gave way to new forms, fresh and independent developements of the common round-arched idea.

Style of Aquitaine and Provence.

In the lands south of the Loire forms of singular novelty were struck out. The last half of the eleventh century saw the beginning of that great series of wide and lofty churches, special triumphs of the art of vaulting, which go on, through the various varieties of Romanesque and Gothic detail, till a foreign style was gradually introduced by the English and French masters of Aquitaine.

[1] See vol. ii. p. 112.

[2] See vol. ii. p. 459.

Two points especially distinguish the Aquitanian and Provençal style. There is the early vaulting of large spaces, commonly by a barrel-vault, as in the great Saint Sernin at Toulouse;[1] and there is the early use of the pointed arch as a constructive form. In Southern Gaul this is not, any more than at Pisa, a sign of the coming Gothic; it is rather a trophy which pilgrims or crusaders have brought back from the land of the Saracen. The pointed arch is in this region linked in special fellowship with another Eastern feature. The domes which the architects of Perigueux and Angoulême borrowed from Venice, as Venice had borrowed them from Constantinople, harmonized well with that local love of stone roofing which had already begun to show itself in other ways. And in architecture, as in everything else, there is a marchland. That marchland stretches northwards into Maine, southwards into Poitou, but its centre is Anjou. An Angevin church, like an Angevin Count, is neither Norman nor Aquitanian, nor anything else but Angevin. The Primitive style in Anjou, to judge from one example, the thoroughly Roman church of Saint Martin at Angers, had much in common with the Primitive style elsewhere. But the wide aisle-less Angevin churches, which go on from the middle of the eleventh century to the middle of the thirteenth, have a character of their own, a character intermediate between the North and the South; but they certainly come nearer to Aquitanian than to Norman forms. In the lands north and south of Anjou we may perhaps see the beginnings of the new style in the church of Saint Hilary at Poitiers and in the older parts of the great churches of Le Mans. These buildings have a place in our history. The tall columns round the apse of Saint Hilary claim to be part

CH. XXVI.

Toulouse.

Domical churches.

Angevin style.

Poitiers.

[1] In this great minster, consecrated, if I mistake not, by Pope Urban the Second, it is impossible not to be reminded of the chapel in the White Tower on a vaster scale.

CH. XXVI. Le Mans.

of the pile which rose through the bounty of Emma;[1] and we may feel more certainty in affirming that those older parts of the nave of Saint Julian which still peep out from beneath the gorgeous work of the next century were there before the Cenomannian county and city first bowed to William as their master.[2]

Origin of the Norman variety of Romanesque.

In Aquitaine it would seem that the introduction of the later form of Romanesque was mainly due to a distinct impulse from without. In Normandy, though the result of the change is no less marked, yet its origin is less easy to trace. In no part of Western Christendom are remains of the Primitive style more rare. Here and there, as at Ouilly-le-Vicomte and at Vieuxpont, we see masonry which, whatever its date, is in character Roman and not Norman.[3]

Rarity of Primitive work in Normandy.

But of distinctive work of the Primitive style there is hardly anything, except one or two small examples, like the church of Querqueville in the Côtentin, and some small parts of the abbey of Jumièges, which last are said to date from Merowingian times. Not a single tower of the type of which we have seen so many in Italy, Germany, Burgundy, Aquitaine, and England is, as far as I know, to be found in the Norman duchy.[4] This utter absence of early Romanesque is remarkable. We can well believe that buildings earlier than the settlement of Rolf were more utterly swept away than elsewhere; but the buildings of the tenth century, the earlier churches of

[1] See vol. i. p. 438, Ed. 2.

[2] See vol. iii. p. 205, Ed. 2.

[3] See above, p. 614.

[4] At Vieuxpont there seems really to be the stump of a Primitive tower; but it has been carried up in later times, so that the ornamental details are Norman. The general character of the Norman towers, even when they are somewhat less massive than usual, is quite unlike Italian or Old-English work. At Ver, near Bayeux, is a tower whose general effect is somewhat Italian, but the details are ordinary Norman. At Quilly, near Caen, is a tower whose belfry-windows really do look like a transition between the Primitive mid-wall shaft and the usual Norman form.

Fécamp and Jumièges, might be expected to belong to the same class as other buildings of that age. But the continuous series of Norman buildings cannot be carried further back than the later years of the first half of the eleventh century. Of that date there are one or two examples in which we do see something like a transition between the Primitive and the distinctly Norman forms. Something of this kind may be seen in Judith's minster at Bernay,[1] where the untouched parts of the church have a character more like that of some of the German buildings than anything to be found at Caen or even at Cerisy.[2] The German character of Archbishop Robert's work at Jumièges was noticed long ago by two of our best architectural observers.[3] The columnar piers, with their rude capitals, show only the very beginning of Norman forms, and the general effect is quite unlike that of the genuine Norman buildings. But in our next group of buildings, as at Cerisy and at William's own church at Caen, the distinctively Norman style is fully developed. It is as yet without any approach to the elaborate decorations of the next age; but this is far from proving that those decorations were wholly unknown. Much is due in these matters both to individual taste and to the character of particular classes of buildings. The difference between the two minsters at Caen, between the work of William and the work of Matilda, is clear to every eye.[4] And throughout the period of Norman work it seems to have been a fixed rule, a rule thoroughly in harmony with the spirit of Romanesque art, that, the larger a building was, the more easily it might dispense with ornaments. The richest examples of Norman work are almost always to be found in buildings

CH. XXVI.

Transition from Primitive to Norman.

Bernay.

Jumièges.

Early Norman at Cerisy and Caen.

The largest churches the plainest.

[1] See vol. i. p. 508.

[2] See vol. i. p. 529.

[3] See vol. ii. p. 341; vol. iv. p. 94; Whewell, German Churches, 281; Petit, Church Architecture, i. 93, 94. Mr. Petit was clearly feeling his way towards the distinction between German and Norman Romanesque.

[4] See vol. iii. p. 109.

CH. XXVI. on a small scale. But there is in the Norman style a certain severity which distinguishes it from the Primitive style. In Primitive work there is often a kind of barbaric richness, a certain kind of fancifulness in the forms of capitals and abaci, of which there is no trace in the severely cut capitals of the early Norman. Their two most common varieties, the cushion and the voluted capitals, the Romanesque forms of Dorie and Ionic, can easily be traced up to earlier types; but they put on a character of their own in the hands of the Norman architects. In the earliest and plainest Norman work there is something which, as compared with the earlier forms, may be called regular; and between the plainest and the richest Norman there is no difference in the essential forms. As long as the style remains purely Norman, untouched by the approach of the coming Gothic, the only difference between the plainest and the richest examples is a difference in the amount of ornament. In the internal elevations the column is hardly found in buildings of any great size. The rectangular pier with shafts in its angles is the prevailing form, but in England it is often exchanged for the vast cylindrical pier, no column, but a mass of wall made round instead of square, which is probably a vestige of earlier insular practice. Windows of any richness have small shafts at their sides; the double splay of the Primitive and the German windows is unknown; and when two or more windows are grouped together, the shafts which divide them never follow the mid-wall arrangement. These last points of detail are worthy of notice, because there is nothing in which the difference between the Primitive and the Norman forms of Romanesque is more strongly marked than in the windows.

Contrast between Primitive and Norman Romanesque.

No essential difference between early and late Norman.

Characters of the windows.

In the arrangements of their churches the Norman architects finally established the type which, amid all varieties of style, prevailed through the whole mediæval

Norman type of church.

period. The wide naves and cupolas of Aquitaine, the double choirs and variously grouped towers of Germany, the basilicas of Italy with their single detached campanile, were all rejected by the Norman architects. A Norman minster followed the shape of the Latin cross; the short eastern limb contained little beside the apse. The choir was placed under the broad central tower which took the place of the Byzantine cupola. Sometimes it overflowed into the boundless length of the western limb, which thus, as at Norwich and Saint Alban's, took in nave and choir without any architectural break. The west end, which in Germany was often the place of a second choir, was, in the Norman, as in the Italian style, the façade of entrance, flanked in most cases by two lowlier towers grouping in due subordination to the great central lantern. Within, the threefold division of pier-arch, triforium, and clerestory is clearly marked in the larger churches, and the triforium, especially in the earlier examples, is a bold and important feature. The vaulting of large spaces was not attempted by the Norman architects till quite the last days of the style. In the earlier examples the aisles might be vaulted, the apse might now and then be covered with its conch, but the nave was covered with a flat ceiling which afforded a grand field for the display of the subsidiary arts.[1] CH. XXVI.

Origin of Norman architecture.

Its likeness to the heavier Lombard style.

Now whence did the Norman architects of the eleventh century learn this distinct and marked variety of the common Romanesque family? The question is not very easily answered. The other form of Romanesque which has most in common with the Norman is certainly that peculiar form of the Italian Romanesque in which the least trace of classical influence is seen. The older portions of such

[1] On the ceiling of Lanfranc's church at Canterbury, see vol. iv. p. 362.

CH. XXVI. churches as Saint Ambrose at Milan[1] and Saint Michael at Pavia have far more of likeness to our familiar Norman than we see in the columnar varieties of the Italian Romanesque, or even in the later churches of Germany and Aquitaine. But such a low, dark, cavernous, pile as Saint Ambrose is certainly a very rude forerunner of the lofty naves of Saint Stephen's and Ely. Yet the likeness between the two styles is not to be denied; and in such a building as the cathedral of Modena, which, as a work of the Great Countess, is actually contemporary with our Norman buildings, there is a still closer approximation to Norman forms. When we think of the close connexion between Normandy and Italy in peace and war, of the military adventurers whom Normandy sent into Southern Italy, and of the saints and scholars whom Normandy received from Northern Italy, Normandy had every chance of receiving an importation of Italian art during the early days of William. Some instinctive feeling of kindred may have led those, whether Normans or Italians, who carried the arts of Italy into Normandy, to carry them in their ruder and less classical shape, as a shape which had better prospect of taking firm root in a Northern soil. It may well have been the heavier Lombard style of Milan and Pavia, it certainly was not the columnar style of Pisa and Lucca, out of which the later Romanesque of Normandy and England grew. But, if it be so, the Norman builders received from Lombardy a mere germ, which in their hands grew up for the first time into real life. From whatever quarter they learned the first rudiments of the style, the style itself, in its full growth, is thoroughly their own. In their hands the Romanesque of the North was no longer a mere imitation of the Roman or Romanesque of the South; it became a distinct and equal style, an independent developement of

Intercourse between Normandy and Italy.

Norman architecture probably brought from Italy, but developed in Normandy.

[1] I am aware that this church was largely repaired in the twelfth century, but I believe that its main walls belonged to the ninth.

the same constructive principle. Lombard architecture may well have grown into Norman; but if so, it was on the foreign soil to which it was transplanted that it first became worthy to contend on equal terms with other kindred forms of art. No church in Christendom has a deeper interest on many grounds than the church of Saint Ambrose at Milan. But, simply as a work of architecture, no one would for a moment set it up as a worthy rival to Pisa. It was not till the art had passed from Lombardy to Normandy, and from Normandy to England, that the glory of Tuscan skill, the highest effort of the Southern Romanesque, found a true and equal compeer in the highest effort of the Northern Romanesque, in the mighty nave and choir of Saint Cuthberht's minster. CH. XXVI. Pisa and Durham.

This style, which grew up in Normandy during the early years of William, was brought into England in the days of Eadward; it was merely strengthened and brought to perfection after William's coming. That the beginning of Norman architecture in England was the rebuilding of the West Minster by Eadward is declared in express words by an all but contemporary writer. The description which we have of the new church of Saint Peter sets it before us as a Norman minster of the very highest rank, and we know that it long remained the great model of the style, the object of imitation for English architects, even in the following century.[1] This last fact, so distinctly recorded, is of no small importance in the Norman style brought into England by Eadward. Eadward's church of Westminster.

[1] See vol. ii. p. 508, and the passage there quoted from William of Malmesbury. The modification of that passage by Matthew Paris (2, Wats) is almost more remarkable than the original passage; "Ipse novo compositionis genere construxerat, a qua post multi ecclesias construentes exemplum adepti, opus illud expensis æmulabantur sumptuosis." The past tense replaces the present, because in Matthew's time the Romanesque of Eadward was no longer the model for imitation which it had been in the days of William. Cf. also Will. Malms. iii. 246; "Videas ubique in villis ecclesias, in vicis et urbibus monasteria, novo ædificandi genere consurgere."

CH. XXVI. history of architecture. It shows that no arbitrary line can be drawn between early and late Norman work. The degree of ornament and of finish in workmanship is not always a question of date; it is often a question of the taste and the means of the builders. There is some reason to believe that Eadward's minster was a richer and more finished example of the Norman style than some later buildings. The few fragments which remain of the original church seem to point to a work of no small finish and ornament. These facts should be borne in mind when we consider another question which has been raised, whether Harold as well as Eadward did not bring in the new style in the minster which he raised at Waltham, and whether any portion of the church which he raised there still remains.[1] However this may be, there is in one point a marked difference between Westminster and Waltham. Not the least marked among the architectural innovations of which Eadward was the beginner was the vast scale which was now given to the great churches which began everywhere to be built. This is a feature which is specially characteristic of the Norman style as it appears in England. The size of the cathedral and abbatial churches of Normandy is not excessive. Jumièges is the only church of strictly Romanesque style which has any claim to rank in point of size with our greatest English churches. And the fashion of building churches on the scale which Eadward brought in at Westminster remained distinctly English, and never spread into Scotland, Wales, or Ireland. But in England the Norman bishops and abbots began rebuilding their churches, after the model set by the English King, on a scale far surpassing what they were used to in their own country. The Primate indeed followed a different course in the metropolitan church, and he was thus enabled to finish what he

Degree of enrichment not always a sign of date.

Waltham.

Increase in the size of churches.

[1] On the date of Waltham, see Appendix YY.

began.[1] But almost everywhere else churches of gigantic size began to supplant the elder works of English bishops and abbots. Old Saint Paul's, Saint Alban's, Winchester, Ely, were begun on a scale such as had never been seen either in England or in Normandy. Here we probably have the key to that almost universal destruction of the older buildings which marked this age. The English churches were despised as being too small for the grand conceptions of the Norman prelates and architects. It is absurd to suppose that buildings less than a century old, buildings of the days of Cnut or of Eadward himself, could have needed rebuilding on the score of decay. It is almost as absurd to suppose that they were so utterly inferior in point of art to the often plain and rude Norman work which supplanted them that they were swept away simply as being too barbarous to be endured. In some cases, as in the two metropolitan churches, the rebuilding was a matter of necessity. But both Lanfranc and Thomas built on a moderate scale, and Thomas even preserved a part of the elder building.[2] Durham, Winchester, and a crowd of other cases stand on a different ground. It could have been only because they were too small for the dominant fashion that buildings so recent as the works of Ealdhun, Leofric, and Ealdred, to say nothing of the elder works of Dunstan, Oswald, and Æthelwold, were sentenced to destruction.

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The English churches destroyed, mainly because they were thought too small.

The Norman style was thus brought in, and most of the great churches of England were rebuilt after the new model. But the form which the style took in England was in some degree affected by the earlier usages of the country. Not only did the Primitive style remain for some time in use alongside of the new style; the new style itself was modified by the examples of elder buildings. The subordinate buildings of Eadward's monastery at Westminster

The Norman style in England affected by earlier English usage.

Westminster.

[1] See vol. iv. p. 361.

[2] See vol. iv. p. 373.

CH. XXVI. Worcester.

show an earlier form of capital than is usual in Norman work, and this is still more distinctly the case with the work of Wulfstan at Worcester. There the elder church was altogether destroyed; yet the *slype*, the narrow passage between the church and the conventual buildings, contains a whole store of capitals which are certainly rather to be called Primitive than Norman.[1] If it be said that Wulfstan, and even Eadward, may have cherished some lingering love for the earlier style of his own people, no such reason applies to Walkelin of Winchester; yet a certain ante-Norman tinge can be plainly seen in the untouched parts of his building.[2] And the most scornful of all the Norman prelates, Paul of Saint Alban's, while overthrowing the tombs and insulting the memories of his English predecessors,[3] did not scruple both to imitate their style of building and to make use of the materials which they had gathered together. The vast pile of his abbey, built out of the bricks of Roman Verulam, is the least Norman of Norman churches, and it is the best example of the rule that, the vaster the scale of the building, the smaller is its allowance of ornament. Where there is any detail, it is detail of an earlier kind. Balusters which would be hardly out of place at Jarrow or Monkwearmouth are found among the work of Paul, to the no small confusion of purely chronological inquirers.[4] This occasional recurrence of forms which might easily be assigned to an earlier time goes on to the end of the eleventh century. In the west front of Tewkesbury[5] we

Win-chester.

Saint Alban's.

Tewkes-bury.

[1] It has been doubted whether these are not fragments preserved from the church of Oswald. If so, as the site was changed, they must have been used up again.

[2] See the capital engraved in Willis, Winchester, 36. [3] See vol. iv. p. 399.

[4] On the balusters at Saint Alban's, which are singularly like some at Chancellade in Perigord, see Buckler, 133, 134. The authors look on them as used up again from the older church, but I do not know that this theory is absolutely necessary.

[5] In the Annals of Tewkesbury we read under the year 1102 (Ann. Mon.

again find balusters which seem to hand on the earlier tradition. After that time these traces of earlier days are lost, at least in our greater buildings. CH. XXVI.

This lingering influence of earlier forms seems to be quite peculiar to England. I remember nothing in the work of William at Caen or of Odo at Bayeux at all analogous even to such slight Primitive traces as we see at Winchester and Tewkesbury. And I have little doubt that the earlier style influenced the later in a much more important feature than any of these. The huge cylindrical piers, so characteristic of English Norman, assume several forms. In smaller buildings they shade off by infinite degrees into the strictly columnar pier. In larger churches they sometimes appear in a low and massive form, giving room for a large triforium. Such is the case in the eastern limb of Gloucester, the work of Serlo,[1] now veiled by the net-work of the fourteenth or fifteenth century. In other cases, as in the naves of Gloucester and Tewkesbury, the cylindrical pier is carried up to an extravagant height, so as to leave hardly any space for the triforium, but yet without assuming the proper character of the column. At Durham, piers of this kind appear in a form more satisfactory than either of the two other classes. Their intermediate proportion is far more pleasing to the eye, and the masonry of the pier is relieved by flutings and channellings of various kinds, which may possibly carry us back to the grotesque forms of Repton, and thereby, by a strange pedigree, to the more regular flutings of classical columns. It is, as I hold, in the eastern and western limbs of Saint Cuthberht's abbey that we are to look for the highest

The cylindrical piers.

Durham the perfection of Northern Romanesque.

i. 44), "Hic primum in novum monasterium ingressi sumus;" and in 1123, "Dedicatio ecclesiæ Theokesberiæ . . . . . x. kal. Novembris." The actual finishing of the west front would probably come between these two dates.

[1] See vol. iv. p. 389.

CH. XXVI. degree of perfection that has ever been reached by round-arched architecture in its Northern form. Durham by the Wear and Pisa by the Arno rank side by side as the noblest examples of the Northern and the Southern Romanesque. And we feel instinctively that the forms which are at home by the Wear would have been out of place by the Arno, and that the forms which are at home by the Arno would have been out of place by the Wear. Among examples of the specially Norman style, none, either in our own island or beyond the sea, can compare with the matchless pile which arose at the bidding of William of Saint Carilef.[1] I speak not of its outward shell, glorious as is its outline, nobly as it stands on its peninsular height. I speak not of the Saracenic grace of Hugh of Puiset's Galilee, of the long range of the nine altars, or of the soaring tower of Walter of Skirlaw. I speak of the church which, above all others, is all glorious within, of the presbytery, lantern, and nave, unequalled in their stately and solemn majesty, of the faultless proportions of the mighty channelled piers, avoiding a mere massiveness which seems to grovel on the earth, and avoiding too the vain attempt at a soaring height consistent only with pillars of either an earlier or a later form. I speak of the wonderful skill which enriched the constructive forms with exactly the fitting degree of ornament, a degree of ornament which avoided alike the rude bareness of some contemporary examples and the lavish gorgeousness of some later ones. The designer of such a pile, whether Bishop William himself or some nameless genius in his employ, must rank alongside of Diocletian's architect at Spálato, of Saint Hugh's architect at Lincoln. And the church of Durham not only stands thus preeminent as an example of Norman art; it holds a place instructive above all others in the history of Norman art. No building more

Lessons from the successive works at Durham.

[1] See vol. iv. p. 677.

thoroughly supplies the hatchet to their argument who cannot rise above a purely chronological arrangement of architectural works. The work of William of Saint Carilef was far in advance of all contemporary buildings. He died, and for a while none was found to carry on his work as he had begun it. In three years—so quickly he pushed on his work—he finished the eastern limb, the lantern arches, the eastern arches of the transept, and built just so much of the nave as to form a gigantic buttress. The transepts, during the vacancy of the bishoprick, were carried on by the monks.[1] But either worldly means or artistic genius was now lacking. The church of Bishop William was no longer carried on as Bishop William had begun it; the transepts were finished in a style which elsewhere might not be deemed contemptible, but which seems mean and feeble by the side of the earlier work. And if the dates of the building were not accurately recorded, we should be tempted to assign to it a date at least a generation earlier than the work which we know that it followed. Another stage in the local history came; the throne of Saint Cuthberht was filled by the famous or infamous Randolf Flambard.[2] He set him-

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1093-1096.

1096-1099.

Work of Flambard. 1099-1128.

[1] The history of the fabric is most clearly given by Durham writers. Sim. Dun. Hist. Eccl. Dun. iv. 8; "Ecclesiam 98. anno ex quo ab Aldune fundata fuerat, destrui præcepit, et sequenti anno positis fundamentis nobiliori satis et majori opere aliam construere cœpit. Est autem incepta M. xciij. Dominicæ incarnationis anno, pontificatus autem Willielmi 13. ex quo autem monachi in Dunelmum convenerant xj. tertio Idus Augusti, feria 5. Eo enim die episcopus, et qui post eum secundus erat in ecclesia Prior Turgotus cum cæteris fratribus primos in fundamento lapides posuerunt. Nam paulo ante, id est, quarto Kal. Augusti feria sexta idem episcopus et prior facta cum fratribus oratione ac data benedictione fundamentum cœperant fodere. Igitur monachis suas officinas ædificantibus suis episcopus sumptibus ecclesiæ opus faciebat."

[2] The continuation (X Scriptt. 61) goes on to tell us how matters fared after the death of William. The writer is recording the acts of Randolf Flambard; "Navem ecclesiæ circumductis parietibus, ad sui usque testudinem erexerat. Porro prædecessor illius, qui opus inchoavit, id decernendo statuerat, ut episcopus ex suo ecclesiam monachi vero suas ex ecclesiæ

CH. XXVI. self to work to atone for his former evil deeds, specially perhaps for the wrong which he had done years before to Saint Cuthberht's heritage.[1] He carried the work of William of Saint Carilef to perfection in a shape even nobler than that planned by its original designer. The meagre forms of the transepts were now cast aside; the vast nave rose after the pattern of the earlier choir, keeping strictly to the same proportions and the same general design, but bringing in a slight increase of ornament, as if purposely to mark that the two parts of the building were not absolutely the work of the same hands. Truly no work of the mason's skill more worthily claims our admiration as a matter of art, none is richer in instruction as a matter of history, than the unrivalled work of the stranger to which we can hardly grieve that the native church of Ealdhun gave way.

Introduction of the Norman style in smaller buildings.

The Norman form of Romanesque, first introduced by the foreign tastes of a native King, was thus finally established as the national style of England. This was one of the immediate results of the Norman Conquest. In our larger churches the triumph of the foreign style was complete and speedy. Except in the case of the cylindrical pier, the traces of the earlier style which still hung about some of our greatest churches were so slight, and affected only matters of such small detail, as in no sort to take away from the essentially Norman character of the buildings. But, in buildings of a humbler class, the success of the invading style was for a long time far from being so complete. The new style indeed did make its way even into very remote corners while Eadward was yet upon the throne. In a secluded

collectis facerent officinas quod illo cadente cecidit. Monachi enim omissis officinarum ædificationibus, operi ecclesiæ insistunt, quam usque navem Ranulphus jam factam invenit." The "testudo" or vault of the nave is clearly later than Flambard's work.

[1] See vol. iv. p. 521.

dell of the Yorkshire hills, in a spot famous for researches of other kinds than those of the historian, Orm the son of Gamel—names familiar to us in Northumbrian history[1]— rebuilt Saint Gregory's minster at Kirkdale in the days of Eadward the King and Tostig the Earl.[2] Here, in a church of very small size and pretensions, a church unfurnished with a tower, the western doorway shows a distinct, though rude, approach to Norman work. It is such work as a local craftsman might produce, if called on to imitate what the founder had seen on some day of solemn gathering in the church which was rising year by year at the bidding of King Eadward. But, as a rule, in smaller buildings, which would be largely the work of English builders, the national taste long and manfully withstood the foreign fashion. At least down to the end of the eleventh century, men went on building as their fathers had built before them, even in places where the Norman castle or minster was rising above their heads. The fact that we have "Anglo-Saxon"—that is Primitive Romanesque—buildings of a date undoubtedly later than the Norman Conquest has sometimes been strangely used to prove that no "Anglo-Saxon" or Primitive Romanesque style ever existed. Because men went on with their national way of building after a foreign fashion had been brought in among them, it has been strangely argued that they never had any national way of building at all. In truth the fact that there are buildings in England which are of a date later than the Norman Conquest, but which are not Norman

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Kirkdale church. 1055–1065.

Retention of the elder style.

[1] On Gamels and Orms, see vol. ii. pp. 482, 483. I suspect that our Orm was the father of the Gamel who was killed by Tostig in 1064.

[2] The date of the early work at Kirkdale is fixed by the inscription over the south doorway, which says, in somewhat of stone-cutter's Old-English, that it was built "in Eadward dagum cŏg in Tosti dagum eorl." This is not the language of the Chronicles, any more than the language of a Roman stone-cutter was the language of Cicero. But it should be noted that this little building is called *minster*. Cf. vol. i. p. 472.

CH. XXVI. in style, is the strongest proof of all that England had a distinct Romanesque style before the Norman came. While the great works of the Norman prelates were building, men were found who in their smaller works still clave to the forms of earlier days; and it is clear that in some cases they clave to them, not through blind tradition or prejudice, but through a reasonable preference. Of the remains of the Primitive style in England, both earlier and later than the Conquest, by far the greater number of examples consist of towers. And no wonder; for the Old-English tower, rude imitation as it was of the great Italian works which it strove to reproduce, had a majesty and stateliness of its own which the new style could not rival. The massive Norman tower, admirable as a lantern, fails as a campanile; and, when it is used as a western tower, it cannot for a moment be compared with the dignity of effect which belongs to the older English form. No wonder then that men still went on building the tall slender tower with its mid-wall shafts, and no wonder that the architects of later days so often spared a form which was surpassed only by the soaring spires of the thirteenth century and by the lordly embattled towers of the fifteenth. In one case at least a church-builder of the reign of William employed both the native and the foreign style for those parts of his buildings for which each was severally best suited. Coleswegen's towers at Lincoln,[1] built in the new town on the plain while the Norman castle and minster were rising on the height, are essentially Primitive in their style. We can see from the details of their windows that their designer had seen Norman work, but the approach to Norman is in the details only; the essential characters of the towers, their whole proportion and design, are thoroughly Primitive. The neighbouring church of Bracebridge has a tower which is no less distinctly Primitive in its general

The Old-English towers.

Coleswegen's Churches at Lincoln. 1068–1085.

[1] See vol. iv. p. 218.

conception, but which has details of yet more confirmed Norman style than the towers of Coleswegen. Examples like these show how men clave to the ancient forms, especially in that position where the ancient forms had a distinct advantage over the new. Coleswegen or his architect felt that for a western campanile the older style of England supplied him with better models than the new style which had come in from Normandy. But for the piers and arches of the inside the new style supplied him with better models than the old, and the contemporary arcades attached to the Old-English tower of Saint Peter at Gowt's were built in a style distinctly Norman. CH. XXVI.

In the like sort, when Ealdwine and his companions set forth on their errand of restoring the monastic life in Northern England, one of their tasks was to repair one of the most venerable monuments of a far earlier day, the church of Benedict Biscop at Jarrow.[1] A central tower was carried up, but even in that favourite Norman position, though some of the details show the influence of Norman models, the feeling of the whole tower is distinctively Primitive and not Norman. The small remains of the domestic buildings have an air which is Roman rather than Norman, but there is no reason to doubt that they also are the work of the Mercian pilgrims. On such a spot, where they found such remains still abiding, it may have been felt as a kind of point of honour to cleave to every ancient English tradition. Still it is strange to see work of such early character reared in the days and under the patronage of Walcher.[2] It almost rises to a trial of faith to believe that work which seems to have more in common with the days of Benedict and Bæda is less than twenty years older than the choir of William of Saint Carilef. Works of Ealdwine at Jarrow. 1074.

[1] See vol. iv. p. 665, and Appendix YY.

[2] See vol. iv. p. 665.

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But these instances of Primitive work later than the Norman Conquest are not to be found only in buildings which owed their origin to Englishmen. The tower of Saint Michael's church at Oxford is distinctly of the Primitive type, and even the existing tower of the castle may be fairly referred to the same style. The castle tower, there can be no doubt, is the work of the elder Robert of Oily,[1] and the church tower has commonly been thought to be his also. If this be so, it is the most remarkable case of all, for the tower is of unmixed and characteristic Primitive work, without any of those signs of approach to Norman detail which are to be seen in the towers at Lincoln, Jarrow, and Bracebridge. It might be refining too much to attribute this peculiar character of Robert's works to the influence of his English wife; but certain it is that the style, not only of the church, which may be his, but of the castle, which certainly is his, keeps marked traces of the earlier fashion. The use of the native style in a building distinctly military is specially worthy of notice. It shows that there must have been a greater interchange of ideas between men of the two races in the conquered island than we might at first feel inclined to believe.

Oxford Castle. 1071.

Saint Michael's, Oxford.

Our view of the influence of the Norman Conquest on architecture would be imperfect if we did not carry it beyond the actual bounds of the kingdom of England. Scotland, under the civilizing and reforming influence of Margaret, no doubt received from England every improvement which was there introduced in architectural style. According to one account, King Malcolm himself, as became the layman of highest rank in the Bernician diocese, was present, and played a chief part, in the foundation of the minster of William of Saint Carilef.[2] And the impress of

Influence on the architecture of Scotland.

Malcolm at the foundation of Durham. 1093.

[1] See vol. iv. pp. 46, 735, 778.

[2] Sim. Dun. 1093, p. 193 Hinde. "Ecclesia nova Dunelmi est incepta

that great model of Romanesque work is stamped deep on the piers and arches, though certainly not on the upper range, of the royal abbey of Dunfermline.[1] But there were other spots in Scotland where the traditions of earlier times lingered on to a date when in England they were wholly forgotten. If Turgot carried architectural fashions with him to Saint Andrews,[2] they were fashions English rather than Norman. Long after his death, under the reign of good King David, the ancient church of Saint Regulus was rebuilt, but it was rebuilt in a form savouring even less of foreign fashions than the buildings of an earlier generation at Lincoln. The small church which, ruined as it is, is far more perfect than the greater pile which grew up to overshadow it, is Primitive in all its features. Its "four-nooked" tower, with its mid-wall shafts, the very tallest and squarest and sternest of its class, still soars proudly over the fragments of later days. It still stands, by the rocks of the Northern Ocean, the one perfect portion of that vast group of buildings, church, monastery, and episcopal castle, standing in all the simplicity of earlier days, as if to rebuke at once the worldly pomp of one age and the merciless havoc of another. While in England and Normandy, and elsewhere in Scotland also, Norman art was fast putting on its later and more gorgeous form, the tower of Saint Regulus fell back on the most ancient type of all. It is square indeed, but, in all

CH. XXVI. Dunfermline. Saint Rule at Saint Andrews.

tertio idus Augusti feria quinta, episcopo Willelmo et Malcholmo rege Scottorum et Turgoto priore ponentibus primos in fundamento lapides." This is one of the passages which Mr. Hinde makes use of to throw doubt on the trustworthiness of the writer whom I quote as Simeon. The entry is followed by the Durham writer in Mon. Ang. i. 249.

[1] On the date of Dunfermline, see Chalmers, History of Dunfermline, i. 115, ii. 160. It seems that 1150 is the probable date of the dedication. But, just as any one would think that the transepts at Durham were much earlier than the eastern limb, so any one would think that the triforium and clerestory of Dunfermline were much earlier than the arcade below them.

[2] See above, p. 238.

CH. XXVI. but actual shape, it recalls the likeness of the round towers
Its analogy with the round towers. of Abernethy and Brechin, of Cashel, Kildare, and Monasterboice. It supplies the link which was needed, the link which binds the Scottish towers of either island to the first birth-place of Christian art. It shows that they too have a share in that ancient fellowship which binds Earl's Barton and Lincoln to Romainmoutier and to Ravenna.

One great architectural genius, either Bishop William of Durham in his own person or some one in his employ, brought the earlier form of the Norman Romanesque to
Works of Roger of Salisbury. perfection in the last years of the eleventh century. Another great architectural genius of the twelfth century, whom we may with more certainty affirm to have been Bishop Roger of Salisbury in his own person,[1] brought to perfection that later form of Norman architecture, lighter and richer than the earlier type, which slowly died out before the introduc-
Advanced character of his work. tion of the pointed arch and its accompanying details. As in the case of William of Saint Carilef, so in the case of Roger, the creative genius was in advance of his age, and it took some little time for smaller men to come up with him. As it is a trial of our faith to believe that the eastern limb of Durham is older than the transepts, so it is a trial of our faith to believe that the work of Roger in his castle of Sherborne, the few fragments which are still left in his castle of the Devizes, really belong to the reign of Henry the First, and not to the reign of Henry the Second. Yet the thing is in no way wonderful. A great architect struck out a path for himself in an age of peace; a time of anarchy followed in which men built castles indeed, but not such castles as those of Roger. The rude fortresses built merely for defence and plunder were swept away as soon as the days of law and peace came back again.[2] Then men had again leisure to turn

[1] On the architectural tastes of Bishop Roger, see above, pp. 217, 287.

[2] See above, p. 329.

their thoughts to art and ornament, and the style which had come in at the bidding of Roger was copied by lesser men almost a generation after his time. The greater lightness and richness of Roger's work became the fashion in the days of Henry the Second; and, when the fashion had once been set, lightness and richness went on increasing. At last, in the Galilee of Durham, we find a style whose constructive forms are the same as those of William of Saint Carilef, but whose artistic effect is as unlike that of his work as the effect of any two buildings can be which use the same constructive forms. So it is everywhere else. Ornament becomes richer and more elegant, pillars become lighter, capitals show a return to classical models, till we find columns at Canterbury which would be hardly out of place at Torcello or at Ravenna. But, along with these changes, a still greater change was going on. As the Primitive Romanesque, the common possession of Western Europe, had given way to the local styles of Normandy and Aquitaine, so now all forms of Romanesque, the architecture of the round arch, were to give way to the fully developed architecture of the pointed arch. Or rather, as the architecture of the round arch had gradually shaken itself free from the trammels of the elder system of the entablature, so the architecture of the pointed arch was gradually to shake itself free from the trammels of the elder system of the round arch. The pointed arch, as a mere mathematical form, is doubtless as old as the round. As a constructive form, it had been used in Saracenic mosques for ages before it made its appearance in Christian churches, and it has been used no less freely in later times in the great works of the Mahometan conquerors of India. As a trophy of the conquered Paynim, it appears in the gorgeous buildings of the Norman Kings of Sicily, and even in the inner range of columns in the nave of Pisa. But in all these buildings the pointed arch appears as a

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Style of Henry the Second's time.

The Durham Galilee.

Introduction of the pointed arch.

Constructive use of the pointed arch.

CH. XXVI. Growth of an appropriate system of detail.

mere constructive form; in none of them, any more than in the so-called Gothic architecture of Italy, did it work out for itself an appropriate and consistent system of decoration. To work out such a system was the architectural problem of the later years of the twelfth century. That was the time of struggle between the later Romanesque and the coming Gothic, just as the later years of the eleventh century were the time of struggle between the earlier form of Romanesque and the later. The use of the pointed arch as the main constructive feature was, there can hardly be a doubt, brought back to Western Europe by the Crusaders. But what they brought back was a mere germ, a germ which had brought forth no worthy fruit in its earlier Eastern home, but which was to bring forth a goodly crop indeed in the kindlier soil of England, France, and Germany. As in the classical Roman architecture, the architecture of the transitional time before Diocletian, the forms of the entablature and of the round arch were strangely intermingled, so, in the early use of the pointed arch, its constructive forms were no less strangely intermingled with the decorative forms of the round arch. The pointed arch was first placed on supports belonging to the earlier style, whether on the massive piers of Malmesbury or on the graceful columns of Palermo. At Palermo, at Lucca, at all places south of the Alps, the style advanced no further. The native Romanesque of Italy, in the height of its richness and beauty, was cast aside for a feeble imitation of the native pointed architecture of the North. The lands beyond the Alps were more lucky. The germ which we see at Malmesbury and Kirkstall grew up, by slow but easy steps, into the full growth of Lincoln and Ely and Salisbury, of Köln and Rheims and southern Bayonne. The pointed arch, brought in at first as a mere constructive form in the main arcades and vaults, gradually spread itself to the decorative, as well as the

The mere forms borrowed from the East.

Stages of the Transition from Romanesque to Gothic.

Imperfect Gothic of Italy.

Growth of the Gothic detail.

constructive, arches of the building. Left at first in the plain square section of the ruder, or adorned with the surface ornament of the richer, Norman, it gradually worked out for itself a system of mouldings and other ornaments, a system better suited to a constructive form whose leading idea is neither rest nor horizontal extension, but extension strictly vertical. Reared at first on the more massive piers of the earlier architecture, it gradually exchanged them for the clustered pillars, detached and banded, grouped together as many members under one head, which form one of the most special characteristics of the earlier Gothic. Thus, before the twelfth century had run its course, the fully developed pointed architecture had reached its perfection, not at the hands of a Frenchman at Saint Denis, but at the hands of the saint whom the Imperial Burgundy gave to England. What Diocletian did at Spálato for the round arch, Saint Hugh did at Lincoln for the pointed arch. But the after-battle was still to be fought. We have seen how, while the elder church of Remigius was rising in the stern grandeur of early Norman times, men were still found who clave to the older traditions of independent England. So, while its eastern limb was giving way to the new forms which rose at the bidding of Saint Hugh, men were still rearing the naves of Peterborough and Ely, works which show in their details some signs of the change which was beginning, but which, in their leading lines and proportions, vary not at all from the earlier works which they continue. As a matter of architectural study, no works are of higher interest than those in which, as in the eastern limb of Canterbury and the nave of Romsey, we can trace out the various steps by which the architecture of the pointed arch gradually grew out of the architecture of the round arch. But to follow out that inquiry in detail lies beyond the limits of my subject. To trace the steps by which the Norman Romanesque

Work of Saint Hugh at Lincoln. 1186-1200.

Relation of early forms at Peterborough and Ely.

The Transitional style.

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supplanted the earlier Romanesque once common to England with all Western Europe is the business of the historian of the Norman Conquest. To trace the steps by which the Norman Romanesque grew into the fully developed Gothic is the business of the historian of the Angevin Kings.

No specially ecclesiastical style.

In this sketch of the effects of the Norman Conquest on the architecture of England, I have drawn my examples almost wholly from ecclesiastical buildings. I have done so, not from choice but through necessity. In the eleventh and twelfth centuries, as in all times and places where any rational style of architecture has prevailed, there was no such thing as a specially ecclesiastical style. The Romanesque architects, like the architects who went before them and those who followed them, had no thought of any particular architectural forms being specially appropriate for religious buildings. Whatever was the object of a building, ecclesiastical, municipal, military, or domestic, widely different as might be the plan, proportions, and general effect required by such different purposes, the style of architecture was strictly the same in all. Still, for many reasons, the architecture of these centuries must be studied almost wholly in ecclesiastical buildings. It is only in some special and exceptional classes of secular buildings, such as the great hall of a royal or municipal palace, that the characteristic features of a style, its pillars and arches, can be displayed to the same advantage as they can in the interior of a church even of the second order. And in the centuries with which we have to do, while we have abundance of churches great and small, our examples of civil and domestic buildings are indeed few and far between. Examples of military art are indeed more abundant; but the square keep of the Norman castle is not in itself a work of architecture strictly so called. Whatever ornamental details it has are exactly the same

The style best studied in ecclesiastical buildings.

Rarity of civil Romanesque buildings.

Little architecture strictly so called in the castles.

as the ornamental details of the contemporary churches. But the castle is a work of artistic architecture only when, as in castles of the highest class, it contains some special building on a scale large enough to display distinctly architectural features. The great towers of London and Rochester afforded space for distinct architectural interiors. We have therefore from the hand of Gundulf a noble example of the Norman of the days of the Conqueror. From the hand of William of Corbeil we have an equally noble example of the Norman of the days of Henry the First. But as such a special building within a castle can hardly fail to be either a hall or a chapel, it is not so much an example of military as either of domestic or of ecclesiastical architecture. It is domestic or ecclesiastical architecture modified by military requirements. For the highest type of secular architecture, the municipal type, we are not to look in the England of the eleventh or twelfth century. England is richer in fine civic halls than might at first be thought; but they are all of a date long after the times with which we are dealing. And at no age can we venture to put our civic buildings on a level with those of Italy, Germany, or Flanders. The cause is a very simple one; no English municipality ever grew into a sovereign commonwealth. Such civic halls as we have are buildings of essentially the same class as the great halls of monasteries and colleges, of royal, noble, or ecclesiastical palaces and castles. The series of these halls begins in the Norman age, but the earlier examples have more in common with ecclesiastical buildings than the later ones have. The pillared hall of Rufus at Westminster was doubtless a noble example of the earlier stage of Norman, as the pillared hall of Oakham still is a noble example of its latest stage. No buildings are more valuable, more admirable, in their own way. But, strictly as examples of a style, even this highest class of secular buildings must rank alongside of

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London and Rochester.

Municipal buildings.

Halls.

Westminster and Oakham.

CH. XXVI. quite a secondary class of churches. The hall of Oakham, with its single ranges of pillars and arches, cannot compare with the triple elevation of Durham, or even with that of Caen or Southwell. Mediæval architecture is in no way exclusively ecclesiastical; so to deem it is a mark of the most vulgar ignorance. But it is in ecclesiastical buildings that the principles of mediæval architecture, and, above all, the principles of its Romanesque form, must, through the historical necessities of their age, be almost exclusively studied.

Churches the most perfect models of style.

I have thus far been speaking of architecture, distinctively as a matter of artistic style; I have traced out the growth of the new architectural forms which the Norman Conquest brought into England. In this point of view our attention has been almost exclusively claimed by the churches, and above all by the churches of the highest rank, the great minsters of Bishops and Abbots. We have been dealing with architecture as one of the fine arts, and with the artistic succession of its styles. If we turn from this side to the necessary art of building, as illustrating the manner of life at the time, we shall see that the Norman Conquest has left its mark there also. Of the domestic architecture of England before the Norman Conquest we really know nothing. It is certain that to the men of the twelfth century the Norman Conquest seemed to have brought with it a great improvement in the art of building houses. The houses of the English were looked on as small and mean when compared with the great and stately buildings of the French and Normans.[1]

Effect of the Conquest on domestic architecture.

[1] So says William of Malmesbury in his famous comparison of English and Normans (iii. 245); "Parvis et abjectis domibus totos absumebant [Angli] sumptus, Francis et Normannis absimiles, qui amplis et superbis ædificiis modicas expensas agunt." In the next chapter speaking of the Normans as usual, "domi ingentia, ut dixi, ædificia, moderatos sumptus, moliri."

Among other differences, one can hardly fail to have been that the practice of building in stone was less familiar in England than it was on the mainland. It is certain that houses in England before the Conquest were largely built of timber. I do not know that there is any distinct mention of a house of stone. Still we must remember that, as in the case of churches, so in the case of houses, stone would come into common use in some districts much sooner than it would in others.[1] On the other hand, we have seen several instances on the continent of the way in which stone was displacing wood as the material of domestic buildings.[2] We have heard, both in Domesday and elsewhere, of stone houses capable of defence, which still were something different from castles.[3] The hall of the English Thegn is also frequently mentioned, but without any mention of its form or material.[4] A few houses of the Norman period still remain. The best examples, as at Lincoln and Bury, are found in towns, and are, at least by tradition, said to be the work of Jews.[5] A few others are found, not strictly in the towns but in their outskirts, as at Christ Church, Cambridge, and Lincoln.[6]

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Common use of wood.

Mention of stone houses in Domesday and elsewhere.

Norman houses.

[1] See vol. i. p. 472.

[2] See vol. ii. p. 139.

[3] See vol. ii. p. 264. So twice in Domesday, 184 *b*, 187, we read of "domus una defensabilis" as something distinct from a castle. In the Continuator of Florence also (1140) we hear of the "magnifica domus" of the Earl of Gloucester at Tewkesbury, and in a letter of Richard the First (R. Howden, iv. 58) a "domus fortis" is pointedly distinguished from a "castrum cum turre."

[4] See Domesday, 6, 20, 27, 63, 163, 172 *b*, 222, where the phrase is "dominicum ædificium;" 284 *b*, where ten Thegns have each his hall in what had become a single manor; 312 *b*, where in one manor there had been two Thegns with halls and the famous Archill without one; 317; 320, where we hear of the hall of Waltheof; ii. 6, where we read of "halla regis;" 29 *b*, where is the phrase "istos homines posuit Ingelricus [see vol. iv. p. 726] ad suam hallam;" 304. We hear of the destruction of halls in 41, 62; cf. 46, 68 *b*; in 34 we read of the house of Robert of Mortain at Bermondsey, "ubi sedit domus ejus." Cf. above, p. 43.

[5] See Turner, Domestic Architecture in England, 40, 46.

[6] See vol. iv. pp. 211, 219, and Domestic Architecture, 38, 63. Several other instances of twelfth-century houses are collected there.

CH. XXVI. Here and there a twelfth-century manor-house is also found, and, from the specimens which are left to us, we are tempted to wonder at the language in which the panegyrist of Norman manners contrasts the Norman buildings with their English predecessors. They consist of little besides the hall and the most necessary rooms and offices,[1] such as can hardly fail to have been found in the English buildings also. We are thus driven to believe that there was really little change besides the improvement in style and material. Yet there can be no doubt that the Conquest did none the less give a real impulse to domestic architecture. The improvement in style and material was in itself a great change, and the new start which most of the English towns took from this time cannot fail to have been accompanied with a general improvement in building, at least within the city walls. Still, as in this age few classes of men besides the priest and the soldier have left their mark on history, so the remains of strictly domestic architecture of Romanesque date in England are few and unimportant, compared with the vast store of military, and the still vaster store of ecclesiastical works.

Effect of the Conquest on military architecture.

On military architecture the effect of the Norman Conquest was, from the point of view from which we are now looking at it, of yet greater importance than its effect on ecclesiastical and domestic architecture. The Conquest led to improvements in the building of houses and churches; still men had houses and churches before. But the hateful castle was wholly new. The stern square tower, perched on its height, frowning over the city or guarding the entrance of the valley, was, before all other things, the badge of the Conquest, the sign of the dominion of the stranger. It was the castles which sheltered the devils

The Castles.

The special badge of conquest.

[1] Domestic Architecture, 3–6.

and evil men who wrought the fearful deeds of the days of anarchy. It was the castles which contained those dens of torment where men pined as no martyrs had pined in the days of old. And, setting aside such exceptional times of horror, the castle was the badge of the great change, social and political, to which the Norman Conquest had put the finishing stroke. The change which had gradually put the lord, with his manorial possessions and his manorial jurisdiction, in the place of the free community, with its common land and its popular assembly, was wrought to the life in stone and lime when the lord was a stranger and when his dwelling-place was a castle. It was from the castle that men did wrong to the poor around them;[1] it was from the castle that they bade defiance to the King who, stranger and tyrant as he might be, was still a protector against smaller tyrants. The castle is the very embodiment of the feudal spirit on both its sides, its spirit of oppression towards those below it, its spirit of rebellion towards those above it. It is a speaking fact, which we have seen more than once in our history, that every return to law and order after days of confusion, the accession of every prince who knew how to wield the rod of rule, was marked, as one of its first acts, by a general sweeping away of these homes of evil. Their presence threatened the lawful rights of the Crown; it threatened no less the lives and goods of those whom it was alike the duty and the interest of the common sovereign to guard against their common enemies.[2]

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The castles the badge of the dominion of the lords.

Castles destroyed at each time of restored order.

But even in this matter of castle-building, as in everything else, the Norman did but build on an English foundation, and the works of the Englishman have com-

[1] Chron. Petrib. 1087. See vol. ii. p. 192. There is here perhaps a special allusion to men being forced to work in building the castles. Cf. 1097.

[2] See vol. iv. p. 190.

CH. XXVI. monly outlived the works of the Norman. In a crowd of cases the Norman castle rose on a spot which had in earlier times been made into a place of defence by English, sometimes by British, hands. The square tower rose on the natural height which Briton and Englishman had already occupied; the shell-keep rose on the very mound which the hands of Englishmen had thrown up. And in many places the works of the Briton and the Englishman are still there, while the works of the Norman have vanished. At Warwick the mound of the Lady of the Mercians still stands; for the castle of the Conqueror we seek in vain. At Wallingford the English mound, the British dyke, are both still to be seen; there is no sign of the keep to form whose precinct so many of the houses of the town gave way.[1] At Old Sarum the Norman castle and the Norman minster have alike vanished; but no hand of man is ever likely to fill up the mighty ditches which checked the advance of Cerdic. All this is the outward sign of that return to the older and better state of things which has been the real life of our later history. A day came when the castle was no longer hateful. A well-known proverb marks the change. No man would have said that every man's house was his castle, in days when such a phrase could have meant only that every man's house was his prison and his torture-chamber. As the castle became harmless, so did its lord. If we have not wholly come back to the days before lords and castles were, we have at least reached times when the lord and his rights are little more than curious survivals. The castle, if it has not wholly vanished, has sunk into a ruin, or it has become a harmless dwelling-house, or it is used as a prison, no longer for victims of arbitrary oppression, but for offenders against the majesty of the law. In all these forms alike, whether the castle is a perfect building, or a mere shell, or a thing that is gone

Norman castles on English and British sites.

The earlier works often the more lasting.

[1] See vol. iii. p. 543, Ed. 2.

and can be traced only in its foundations, its present estate symbolizes our return to the time before castles were. The un-English importation of Eadward's foreign favourites has passed away from among us. A private fortress wherein a private man might defy the law would seem even stranger to us now than it seemed to our forefathers when Richard the son of Scrob raised the first castle on English ground. CH. XXVI.

Change in warfare owing to the castles.

The introduction of the castles concerns us also as having altogether changed the character of warfare for two hundred years after the Conquest. The warfare of the old time, the warfare of Ælfred and Guthrum, of Eadmund and Cnut, was mainly a warfare of pitched battles. The warfare of the two centuries after the Conquest is almost wholly a warfare of sieges. It is only at one stage of our earlier history that the taking and fortifying of towns and fortresses stands out with any prominence. This is when Eadward and Æthelflæd were winning the land back bit by bit from the Danes. Their position was to some extent like that of William a hundred and fifty years later; and, as far as the inferior means of fortification at their command allowed them, they forestalled his policy by making a fortress for the defence of each town as it was won back. Still the great military event of that age is not any siege, but the pitched battle of Brunanburh. So throughout the later Danish wars, though sieges, successful and unsuccessful, are not uncommon, yet the main interest gathers round a long series of fights in the open field from Maldon to Assandun. But, after the one great day of Senlac, through the rest of the reigns of William, his sons, and his nephew, while every year of warfare is crowded with sieges, there is only one great fight in the open field, that Battle of the Standard in which men might almost have deemed that the day of Brunanburh had come again. Till we reach the reign of Henry the Third, every other deed

Warfare becomes a series of sieges.

Sieges and fortresses under Eadward and Æthelflæd.

The Danish wars, wars of pitched battles.

Few pitched battles in the Norman period.

CH. XXVI. at arms is, if not an actual siege, at least done close under the walls of a fortress. To win this or that town or castle was the object of every military operation. But when the days came which were truly to make England once more England, the *wergild* of the sons of Godwine could be paid only on ground like that on which the sons of Godwine had fallen. It was not beneath the walls of any town or castle, but on the open height of Senlac, that the freedom of England had sunk. So it was not beneath the walls of any town or castle, but on the open heights which looked down on town and castle and minster, that the triumph of Lewes and the martyrdom of Evesham undid the work of the stranger, and gave to Englishmen more than the freedom for which Harold, Gyrth, and Leofwine had died.

Pitched battles of Earl Simon.

Summary. I have thus gone through the chief effects of the Norman Conquest on the political constitution, the language and literature, and the art of our country. Such an examination brings home to us at every stage the great truth with which I set out, that the importance of the Norman Conquest is not the importance either of a beginning or of an ending, but the importance of a turning-point. We have seen how in almost everything the real work of the Conquest was to give a fresh impulse to causes which were already at work, to do more speedily and more thoroughly that which in any other case could hardly have failed to be done less thoroughly and more slowly. In everything it hastened tendencies to change which had already begun. But, by a strange and happy destiny, the completion of the change brought with it the beginnings of a return to better things. The Conquest itself gave us the means of undoing the Conquest. Our subjugation by Romance-speaking conquerors really gave us the means of keeping up a more unbroken continuity than any other land with the days of our Teutonic forefathers. Even if the Conquest

Importance of the Norman Conquest as a turning-point.

marred for ever the purity of our ancient tongue, it preserved to us so many precious things of native birth that we can submit to the necessity of calling many of them by foreign names. But the Norman Conquest could never have worked in the way which it has worked, if it had not been for the personal character of the great actor in the work. Wittingly or unwittingly, William the Great takes his place alongside of those rulers of our own race whose lawful heir he claimed to be. He finished the work of Ecgberht; he preserved to us the laws of Ælfred. And with all this, he gave our land an European position which, if we had been left to ourselves, could hardly have been our lot to win. In one point only he erred; but the error was one which in his time was unavoidable. In making England part of that great Western commonwealth of which Rome was still the head, he bent our necks beneath the yoke of Rome, the yoke no longer of her Cæsar but of her Pontiff. That yoke, pressed upon us by the first prince of Gaul who won a footing in England, was thrown off by the last prince of England who won a footing in Gaul. To that stage of our history my subject does not lead me even in the shape of the slightest sketch. But I have now in my final chapter to trace, slightly and rapidly, the steps by which England, after seeming for a moment to become a mere province of an Angevin Empire, came out once more, through a series of happy misfortunes, the England of our ancient Kings. I have still to trace how the English nation, strengthened by winning within her own pale the disguised kinsmen who had come to conquer her, arose once more in its full strength, till, under the rule and legislation of another Edward, the cry for the laws of his earlier namesake was heard no more.

Personal agency of William.

CHAPTER XXVII.

THE ANGEVIN REIGNS.[1]

Sketch of the Angevin Period. 1154–1307.

THE main characteristics of the Angevin reigns have been already set forth. The tale is briefly this. England, by the accession of Henry of Anjou, becomes one member, but the highest member, of a vast dominion,

Continental relations of England.

insular and continental. By the loss of Normandy and the neighbouring lands the proportion between the insular and the continental portions of that dominion are altogether changed. England becomes again a strictly insular kingdom, but, unlike its older state of complete isolation, it now holds a distant continental dependency in the duchy

Its relations within the British Islands.

of Aquitaine. But meanwhile, alongside of this great position of the English kingdom beyond the sea, the old Imperial character of the English Crown within its own

Ireland,

island is not forgotten. An attempt, which at most cannot be called more than half successful, is made to extend that power over the whole group of islands of which Britain is the chief by the invasion and imperfect conquest of Ireland.

Wales,

At last, under Edward the First, the direct English power

[1] As in this Chapter I hardly ever go into any special detail, it seems needless to discuss the endless mass of authorities at length. But I must once more pay my homage to the great scholar who, while making all English history alike his empire, has chosen the Angevin reigns as his immediate kingdom. For the reigns of Henry the Second and his sons Professor Stubbs gives us, not only the Select Charters and the Constitutional History, but the wonderful Prefaces to Benedict, Roger of Howden, Walter of Coventry, and the Memorials of Richard the First.

is established for a moment over the whole isle of Britain by the complete incorporation of Wales and Scotland. In the case of Wales the incorporation is lasting; in the case of Scotland it is only for a moment. Then follow the establishment and recognition of complete independence on the part of Scotland, accompanied by a hostile feeling between the two parts of the island stronger and more abiding than had ever been felt before. The same cause leads to a form of continental interference in the affairs of the isle of Britain which had before been unheard of. England had become the rival of France through her connexion with Normandy, and she remained the rival of France after her separation from Normandy. France therefore now becomes the natural ally of the British enemies of England; her interference is constant in the affairs of Scotland, frequent in the affairs of Wales. The final result of the long disputes and wars which sprang out of the Imperial claims of the West-Saxon Kings was to create two independent English kingdoms within the isle of Britain, each of them burthened with a dominion over troublesome and rebellious Celtic subjects. Southern England remains, with her Welsh and Irish dependencies; but, under the name of Scotland, a part of Northern England has been cut off from the body of the English realm to form an independent kingdom ruling in the like sort over Celtic dependencies to the north of it. Of these two kingdoms, the kindred, the English, parts of each meet one another face to face as enemies. Meanwhile the Celtic subjects of each ally themselves with the enemies of their own masters. The Scots or Irish of Britain are the allies of Southern England against the English King of Lothian and Fife. The Irish or Scots of Ireland, subjects or enemies of Southern England, are glad to be helped against English enemies or masters by Englishmen who had taken their own ancient name.

Scotland.

Independence of Scotland. 1327.

Relations between Scotland and France.

Two English kingdoms, each with Celtic dependencies.

Their mutual relations.

CH. XXVII. Such is a sketch of the external relations of the English kingdom for more than two hundred years. It reaches from the time when England and Normandy received a common sovereign who was as much and as little English as he was Norman, till the time when the great outward badge of Norman influence in England was swept away by the restoration of the English tongue to its old place.

All the events of the time tend towards fusion.

Every event of this time tended, in one way or another, to wipe out all remembrance of the distinction between the conquering and the conquered race within the kingdom. Nothing happened to bring fresh Norman influences to bear on the men of Old-English descent; everything tended to bring fresh English influences to bear on the men of Norman descent. The union of the vast dominions of Henry the Second helped the process of fusion in one way; its dismemberment helped it in another. Even things which at first sight seem to have another meaning really look the same way. In the first years of the thirteenth century we are amazed at the ease with which the Normans in Normandy, the descendants of the victors of Mortemer and Varaville, allow their country to sink into a French province. A few years later we are yet more amazed to see the Normans in England, English barons of Norman descent, offer the Crown of England to a French prince. The key to both of these seemingly strange events is the same. When Henry was gone, the rule of his house seemed a foreign rule alike in England and in Normandy; the Frenchman was not more of a stranger than the Angevin, and Philip and Lewis promised to be better rulers than John. Yet the presence of the Frenchman in the land drew forth a distinct reaction, a reaction not Norman, but English, and Henry the Third came to his Crown as an English candidate victorious over a French rival. But the King who thus owed his Crown to his birth on English soil soon drew all the natives of his realm together against him by his preference for natives of

Explanation of seeming anomalies.

French Conquest of Normandy.

War of Lewis and Henry the Third.

Union of the nation against Henry the Third.

any other soil than England. All differences of race and speech and rank and order were forgotten as the barons, clergy, and commons of England waged their common struggle against Pope and King. The Scottish wars again, though they permanently cut off from England a large part of the English land and nation, served to strengthen the national spirit of all the inhabitants of the land which kept the English name. So did the conquest of Wales; so did the attempted conquest of Ireland; so, above all, did the long wars with France. It was by Englishmen, fighting for the honour and profit of the English King and the English nation, that all these wars were waged, whether with success or with failure. In presence of the enemy, Scottish, Welsh, Irish, or French, men utterly forgot that their own forefathers had once met as enemies on the hills of Sussex or before the gates of York.

The Scottish Wars.

The French Wars.

The legislation and the other political changes of this time all look the same way. It is the legislation of an united nation. Many of the institutions, and much of the legislation of these times, bear an outwardly foreign form, but I have already shown how different a meaning often lurks under the foreign form. I have shown that, while this is in one sense a result of the Norman Conquest, it is in another sense a sign that the immediate effects of the Conquest had passed by, and that names and things of Norman origin were no longer felt as badges of Conquest. From the accession of Henry the Second—we are safe in fixing this date, for we might well fix an earlier one—it is impossible to find in legislation, in literature, in common speech, any sign of a consciously abiding distinction between Englishman and Norman. It is Giraldus alone, the antiquary and philologer, who, as he fancied himself a Welshman and a champion of Wales,[1] also remembered that the English

Legislation of the Angevin reigns.

No sign of distinction between Englishman and Norman.

Exceptional language of Giraldus.

[1] See his own account of himself, De Inst. Princ. p. 184. Three parts of him come "ab Anglis et Normannis."

CH. XXVII. were or had been a conquered people.[1] The laws of England know no distinction save those of freeman and villain, or in after days of peer and commoner, distinctions which antiquarian research might have shown to have been largely influenced by the events of the Conquest, but whose origin had long passed out of popular memory. It was only when men began to look back on past times with a more conscious, if not a more critical, spirit that they began again to feel that the Norman Conquest had had a lasting effect on the history and state of England. Then the scholars of the seventeenth century began gravely to discuss the nature of the entry of the Norman Conqueror, as something which had a practical bearing on disputed points touching the extent of the prerogative of the Crown, of the liberty of the subject, and of the privilege of Parliament.

Distinctions of race practically forgotten.

Remembered again by later scholars.

This time of fusion, during which all direct traces of foreign conquest were got rid of, was naturally the time during which the political and social institutions of the country gradually took that form which distinguishes modern England, the England of the last six hundred years, from the older England of the first six hundred years of English history. Between the two come the two stages of the transitional period, the Norman stage, in which foreign elements were brought into the land, and the Angevin stage, during which those foreign elements were fused together with the native stock of the land and its people. In law, in language, in art, the same process goes on. By

Working of the Norman and Angevin periods.

[1] In the Descriptio Kambriæ, i. 15, Giraldus, after mentioning the boldness of speech of the Welsh, adds, "Romanos et Francos hanc eamdem naturæ dotem habere videmus; non autem Anglos, sicut nec Saxones a quibus descenderant, nec Germanos. Sin autem servitutem causaris in Anglis, et hunc eis inde defectum assignas, in Saxonibus et Germanis qui et libertate gaudent, et eodem tamen vitio vexantur, ratio non provenit." A good deal of ethnological speculation follows, but I believe that Giraldus's way of speaking is without parallel in any practical writer of the time.

Completed under Edward the First.

the time of Edward the First, though the English tongue had not yet finally displaced French, yet it had assumed the main characters which distinguish its modern from its ancient form. In architecture a great change had taken place, by which the Romanesque style gave way to the so-called Gothic. The subordinate arts had taken prodigious strides. The sculpture of the thirteenth century is parted from the sculpture of the twelfth by a wider gap than any that parts those centuries in law or language. And in the root of the matter, in our law and constitution itself, those changes have been made which wrought the body politic of England into a shape which has left future ages nothing to do but to improve in detail. In short, the great destructive and creative age of Europe and civilized Asia passed over England as it passed over other lands. The age which saw the Eastern Empire fall beneath the arms of the Frank and the Eastern Caliphate before the arms of the Mogul—the age which saw the true power and glory of the Western Empire buried in the grave of the Wonder of the World—the age which ruled that the warriors of the Cross should work their will in Spain and in Prussia, and should not work their will in the Holy Land itself—the age which made Venice mistress of the eastern seas, and bade Florence stand forth as the new type of democratic freedom—the age which changed the nominal kingship of the lord of Paris and Orleans into the mighty realm of Philip Augustus and Philip the Fair—this age of wonders did its work of wonder in England also. But in England it neither destroyed nor created; the utmost limit of its work was to raise a new building out of the materials of the old. In our own history this great century forms only part of a period which begins fifty years earlier. Two of the great ones of the world's history, two of the foremost in greatness, as they are well

General working of the thirteenth century throughout the world.

Its effect in England.

CH. XXVII. nigh the last in time, of the long line of our royal law-givers, mark the beginning and ending of the period. Henry the Second at its beginning, Edward the First at its end, did a work among us which made it needless that any Kings of their own stature should come after them.

Henry the Second and Edward the First.

Apparent analogies between Henry the First and Henry the Second.

If the annals of England were no fuller than the annals of some of the ancient kingdoms of the East, we might be tempted to think that the two great Kings of the twelfth century were one and the same person. If we read on a brick or a tablet of two Kings of England within the same century, each bearing the same name, each reigning the same number of years, each coming to the crown in a somewhat irregular fashion, each renowned as the law-giver of his realm, the restorer of peace and order after an evil time, each marked by the same private vices and public merits, each distinguished by a degree of learning and enlightenment beyond his age, each having a dispute with the chief prelate of his dominions, each losing his eldest son by an untimely death, each dying away from his island realm in the midst of domestic troubles beyond the sea—if we read of two Kings whose character and history seemed so exactly to be cast in the same mould, we might be tempted to believe that the actions attributed to the second Henry were but a careless repetition of the actions which had been really done by the first. The parallel is indeed remarkable. As regards the internal history of England, the second reign of law under the younger Henry, following after the anarchy of Stephen, seems exactly to reproduce the earlier reign of law under the elder Henry, following after the tyranny of Rufus. But the likeness in some of the striking outward incidents of the two reigns is more seeming than real. Each of the Henries had a dispute with his chief prelate; each prematurely lost his eldest son. But the relations between

Real points of likeness and unlikeness.

Anselm and Henry the First were widely different from the relations between Thomas and Henry the Second. And the lives of William the Ætheling and of Henry the young King have nothing in common, save that each of them died in the lifetime of his father. Neither primate nor son in any way disturbed the long peace of the reign of the elder Henry. But the peace of the earlier days of Henry the Second was brought to an end through the dispute with Thomas. That dispute was seized on by Henry's enemies as an occasion of stirring up strife against him in his own house, strife of quite another kind from the petty bickerings between his daughter and her husband which disturbed the last years of Henry the First. The reign of Henry the Second falls naturally into three periods, and each period, directly though incidentally, rises out of the one before it. But throughout it is as the lawgiver, the restorer and maintainer of peace and order, that the first Angevin King stands forth before our eyes. His zeal for the peace of his realm leads to his quarrel with the man whom he had meant to be his instrument in his work. The quarrel with Thomas leads to rebellions and warfare at home and abroad, to those revolts of his own children which at last brought him to his grave in a premature old age. Yet, through his whole reign, Henry remains the lawgiver; his early years of peace and the short intervals of peace in his later years are alike given to the work of legislation. The object of both Henries, the maintenance of peace, was throughout the same. But Henry the First could, after a single struggle, keep the peace of the land unbroken without an effort, while Henry the Second had to labour for peace in the teeth of every hindrance. His jealous over-lord, his rebellious sons, the proud nobles whom he strove to bring beneath the yoke of law, were ever making themselves ready for battle. In the career of Henry the Second we see a prince whose

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Three periods in the reign of Henry the Second.

Henry's character as a lawgiver.

Hindrances in his way.

CH. XXVII. general objects were the noblest that a ruler could set before himself, but whose plans were largely thwarted by unlucky circumstances. But we can see no less plainly that those unlucky circumstances were largely the result of faults and mistakes of his own.

First period. The restoration of order. 1154–1164.

The first period of the reign of Henry consists of his first ten years, ten years of remarkable prosperity, in which he zealously laboured for the restoration of peace. A few years enabled him, as it had enabled his grandfather, to bring all the castles of the realm, with their lords, into his obedience.[1] The grant of northern England to the Scottish King was recalled.[2] Though this time is marked by wars which were not wholly successful, both on the French frontier and in the south of Gaul, there was no serious interruption of the peace of the land, no serious hindrance to Henry's plans for the welfare of his kingdom. Alike in the administration of England and in warfare with his over-lord of France, Henry had as his chief counsellor and helper the man whose life and death was presently to give a new and darker colour to his whole reign. In the first days of Henry, Thomas the son of Gilbert Becket of London had passed from the service of Archbishop Theobald to the service of the young King. In ecclesiastical rank a simple deacon, he already held a mass of ecclesiastical preferment; and, as the King's Chancellor, he not only became the most trusted counsellor of his sovereign, but his vigorous administration of his office marks one of the stages in the growth of the dignity of that office. Thomas at the side of the second Henry seemed to hold the same place which Roger of Salisbury had held at the side of the first.[3] The services of Roger had been

Chancellorship of Thomas of London. 1154–1162.

[1] See above, p. 330, and specially Robert de Monte, 1155.

[2] R. de Monte, 1157.

[3] See above, p. 217. Cf. the description of Thomas's position, Gervase, 1382.

rewarded in the usual way by promotion to an episcopal throne; and Henry most likely thought that he was only walking in the steps of his grandfather when he proposed to raise his minister to the loftier seat of Augustine and Lanfranc.[1] This determination, carried out in despite of all advice and remonstrance and of the resistance of Thomas himself, was the great mistake of Henry's life. He deemed that, when his tried and trusted minister held the highest ecclesiastical office, he should still have his cordial help in putting down disorders without regard to the privileges or exemptions of any class of men. In so doing, he mistook alike the nature of the man whom he wished to promote, and the nature of the office to which he wished to promote him. Thomas could not be as Roger; an Archbishop of Canterbury could not be as a mere Bishop of Salisbury. Thomas was an able and zealous minister; but he was not, like Roger, a mere able and zealous minister. He was a man who strove to carry out to the utmost the highest ideal of any position in which he found himself. In the service of Theobald he had been zealous in the support of ecclesiastical claims, and his ready wit had devised new applications of them. As the King's servant, his ecclesiastical character sank into the background. The Archdeacon of Canterbury and Provost of Beverley was hidden beneath the garb of the King's Chancellor, and Thomas showed himself the most trusty of ministers, and even one of the most valiant of captains. Promotion to an ordinary bishoprick might not have greatly changed him. But the Pope of the other world, the Patriarch of all the nations beyond the sea, stood on a loftier pinnacle. The Primate of Canterbury was the subject of the English King, but he could hardly be called his servant. First

CH. XXVII.

His appointment as Archbishop. 1162.

Henry's mistake in his appointment.

Character of Thomas.

Thomas as the King's minister.

Special position of the Archbishop of Canterbury.

[1] He had also in view the position of the archiepiscopal Chancellors of the three Imperial Kingdoms. R. de Diceto, 534.

CH. XXVII. among the Witan of the land, the yoke-fellow of his sovereign rather than his minister,[1] he could not stoop to duties which one of his suffragans might have discharged without scandal.[2] The belief of Henry that Thomas as Archbishop could still remain his Chancellor, while it shows how high the chancellorship had risen in the hands of Thomas, shows also an imperfect understanding of the traditions of the archiepiscopal office, and of the influences under which its holder could not fail to be brought.[3]

Incompatibility of the chancellorship and the archbishoprick.

Many earlier Archbishops had been great statesmen; none of them had been mere royal officials. The patron and immediate predecessor of Thomas himself had indeed, as became his great office, been one of the leaders and rulers of the land. But Theobald was not a King's clerk like Roger or Randolf Flambard; he was a monk from the house of Herlwin and Anselm. Thomas, once placed on the throne of Dunstan and Lanfranc, might in other times have ruled the land as they did, as a statesman who did not cease to be a churchman. But times had changed; the rights of the Church were now held to consist in exemptions which Dunstan and Lanfranc never heard of. And a nearer model stood before the eyes of Thomas. The zealous Chancellor became the zealous Archbishop; but his zeal took a new direction. Clothed with the official championship of ecclesiastical rights, he would defend every ecclesiastical right to the uttermost. With the example of Anselm before his eyes, he would be as Anselm; once an Archbishop, he would do

Position of Theobald.

Thomas copies Anselm.

[1] Compare the well-known words of Anselm (Eadmer, Hist. Nov. 18); "Hoc aratrum in Anglia duo boves cæteris præcellentes regendo trahunt, et trahendo regunt, rex videlicet et archiepiscopus Cantuariensis, iste seculari justitia et imperio, ille divina doctrina et magisterio."

[2] On the employment of Bishops as Justiciars, see R. de Diceto, 606. Cf. 652.

[3] Cf. the comparative estimates of the chancellorship and the archbishoprick when the office is taken by Archbishop Hubert. R. Howden, iv. 90.

whatever a saintly Archbishop ought to do. No two men could be more unlike in their nature than Anselm and Thomas, and the position of the two was in every respect unlike. An artificial and conscious striving after saintship was something very unlike the natural and inevitable saintship of Anselm. The career of Thomas was forced and unnatural; every act was overdone, and almost theatrical; but no man can doubt that he did throughout what he deemed to be his duty; in truth he did as a man of his temper put in his place could hardly fail to do.[1] CH. XXVII. Artificial position of Thomas.

The second period of Henry's reign is the period of his dispute with Thomas. In estimating the parts of the two great actors in the strife, we may still repeat the words of an ardent admirer of the Archbishop, that both disputants had a zeal for God; nor can we wonder at his adding that which zeal was according to knowledge none but God could know.[2] King and Primate alike acted as it was natural for him to act. Henry found his efforts for the establishment of order in his realm thwarted by the exemptions claimed by the clergy, exemptions which often sheltered the worst offenders.[3] He saw too that the time had come to put some check on the general advance of ecclesiastical encroachments, encroachments which led to a divided allegiance on the part of large classes of his subjects. To the full establishment of the royal power, and thereby to the maintenance of peace Position of Henry and Thomas. Henry's efforts for good government thwarted by the ecclesiastical exemptions.

[1] I have gone more largely into this aspect of the character of Thomas in Historical Essays, 1st Series, 102–107.

[2] See the remarkable words of Herbert of Bosham, iii. 18 (vii. 109 Giles); "Certo enim certius quod uterque Dei habuerit emulationem, unus pro populo alter vero pro clero; utrius tamen eorum fuerit cum scientia zelus, non hominis, qui cito fallitur, sed scientiarum Domini qui in fine declarabit judicium."

[3] See a story of the conflict of jurisdictions in a letter of Theobald among the letters of John of Salisbury, Ep. 122 (i. 170 Giles).

CH. XXVII. within his realm, Henry devoted all his energies.[1] With that power, with that peace, the exemptions claimed by churchmen within the realm, the interference of a foreign Pontiff in the affairs of the realm, were found to be inconsistent. He must claim again the powers of his forefathers, and again enforce the ancient customs of the realm. To the legislation framed for this end, to the Constitutions of Clarendon, we may believe that neither Lanfranc nor Anselm would have objected. But the march of the new doctrines had been so swift that it was perfectly natural that Thomas, once Archbishop, should object to them. By the light of history we see that the King was right and the Archbishop wrong. But each acted as he could not fail to act at the time, and neither can be fairly blamed simply for maintaining his own ground.

Honest objects of both King and Primate.

But, when we come to the details of the dispute, especially when we come to compare them with the kindred dispute sixty years earlier, we mark a sad falling off in its conduct on both sides. Henry the First and Anselm could carry on a dispute without lowering their own dignity or the dignity of their offices. Neither of them lost his temper; neither forsook his own position; neither stooped to any display of personal spite or to any wrong-doing towards persons who had no interest in the matter. Henry the Second disgraced a great cause by crimes and mistakes of all these kinds. The petty vengeance which he wreaked on the guiltless friends and kinsfolk of Thomas—his giving up his ground by appeals to the Pope, when his great principle was that there should be no appeal to the Pope—his stooping himself to receive, if only for a moment, a Legate's commission from the Pope[2]—his raking up all kinds of old complaints against Thomas which had nothing to do with the matter in hand—all these things have no parallel in the

Comparison of Henry the First and Anselm and Henry the Second and Thomas.

Errors of Henry.

[1] See the picture of his administration even at a later time, R. de ceto, 582.

[2] Gervase, 1388.

behaviour of Henry the First. It shows the spirit of the man who could condemn the innocent children of the Welsh princes to frightful mutilations, and could sometimes hardly keep back his own hands from the eyes of those who had offended him.[1] In the same way, the excited and provoking manner in which the controversy was carried on by Thomas, his fierce denunciations and excommunications, have no parallel in the behaviour of Anselm. In the two Primates we see the difference between native, unconscious, sanctity and an artificial, though honest, attempt to imitate it. In the two Kings we see the difference between the calm policy of the Norman and the passionate fervour of the man who had in his veins the dæmon blood of Anjou.[2] So with the end of the controversy. Henry the First and Anselm come to a fair and intelligible compromise, each giving up something of his extreme claims. Between Henry the Second and Thomas peace is patched up, one hardly knows how, and a new cause of quarrel at once begins. It must always be remembered that the second quarrel, the quarrel in which Thomas died, was wholly distinct from the first, and had to do, not with the exemption of clerks from secular jurisdiction, but with the rights of the churches of Canterbury and York. Henry, according to a precedent common in Germany and France, but unheard of in England from the days of Æthelwulf to the days of Stephen, determined to have his son crowned in his lifetime. The young King Henry, Henry the Third, was crowned by Roger of York, to the prejudice of the rights of the absent Primate of Canterbury. It was in this quarrel that Thomas died, a martyr in a cause which to us seems trifling, but which did not seem trifling in his own day. He died, by no

CH. XXVII.

Errors of Thomas.

Comparison of the agreements in the two cases.

The second quarrel; Thomas dies for the rights of the church of Canterbury.

Coronation of young Henry. 1170.

[1] See the story in R. Howden, i. 240, and the Melrose Chronicle, 1165. Cf. vol. iv. p. 625.

[2] See Giraldus, De Inst. Princ. 154, 161.

CH. XXVII. bidding, by no deliberate wish, of Henry, but by the act of men who caught at a few hasty words which the King let slip in a moment of wrath. But we may be sure that neither the Conqueror nor the Lion of Justice would ever have let hasty words slip from him on such a matter. At every stage of the quarrel we can sympathize with either cause and with either disputant; but we feel that two men, each alike of the highest powers and of the noblest purposes, was throwing away his powers, we cannot say in an unworthy strife, but in a strife which each disputant carried on in a spirit unworthy of himself.

Share of Henry in his death.

General aspect of the dispute.

But the history of Thomas of London comes home to us in a special way in its bearings on our immediate subject. In his own age he was deemed the martyr of the Church. In that age we are struck by the ease with which the murder of any man high in station or character was looked on as martyrdom.[1] So, when an Archbishop, already a confessor on other grounds, was slain in his own church in defence of the local rights of that church, the particular occasion of his death could hardly fail to be forgotten, or to be mixed up with the general cause in which he suffered. Thomas then was held to have died for the liberties of the Church, as the liberties of the Church were understood by those on whose lips the Church meant the clergy, and liberty meant exemption from the common law of the land. Such he seemed in his own age; such to some he seems in our own day. In later times he has by romantic historians been clothed with a character which would have seemed strange indeed to himself or to any man of his own times. He has been changed into a man of Old-English blood, the champion of his own race against Norman tyranny. The son of Gilbert of Rouen and Rohesia of Caen has been provided with a "Saxon" father, and even with a Saracen

Lax use of the word "martyr."

Confusions as to Thomas's martyrdom.

Theory of Thomas as a "Saxon" champion.

[1] As in the cases of Cnut of Denmark and Charles of Flanders; see vol. iv. p. 689, and above, p. 206.

mother.[1] But, laying aside fables like these, Thomas has his place, and no small place, in the history of the fusion of Normans and English. He was the first Englishman, the first man born on English ground, who mounted the throne of Augustine since English Stigand gave way to Lombard Lanfranc. What comes most strongly home to us through his whole history is that Thomas, born of Norman parents on English ground, thoroughly belonged, in spirit and feeling, to the land of his birth and not to the land of his blood. If his Norman descent had not been expressly recorded, we might have deemed that the forefathers of the Kentish Primate had first seen the Kentish shore from the keels of Hengest. In the long story of his actions, there is not one word put into the mouth of Thomas himself, of any friend or of any enemy, to show that he felt himself a stranger in England, or that any man in England looked on him as a stranger. Everywhere he speaks as an Englishman and a Londoner,[2] full of the warmest patriotism for his native land and his native city. Nor is there a word to show that Thomas's English feelings were at all peculiar to himself, that they were feelings which those around him did not share. He does not appear, like Giraldus or Garcilaso de la Vega, as one who, consciously and artificially, took up the championship of a people to which he had himself but small claims to belong. The English character of Thomas is simply taken for granted by himself and by everybody else. Everywhere too, at Northampton, in

CH. XXVII.

Real position of Thomas with regard to the fusion of races.

The first English-born Archbishop since the Conquest.

His English spirit.

Comparison with Giraldus and Garcilaso.

[1] All the passages about the birth and descent of Thomas are collected by Mr. J. C. Robertson, Becket, a Biography, p. 10. See also M. Hippeau's Introduction to Garnier's Vie de Saint Thomas le Martyr, p. xxiv. The only possible question is as to the name of his mother, whether Rohesia or Matilda. It is more likely that Rohesia should be changed to Matilda than the reverse. Thomas had a sister named Rohesia (Pipe Roll Ric. I. 231. Cf. Pauli, iii. 103), a fact which may tell either way.

[2] Cf. Jo. Sar. Ep. 193 (ii. 16); "Non hoc persequuntur quod Thomas est, quod natione Lundoniensis," etc.

CH. XXVII. Kent, in London, Thomas has the people on his side. He is nowhere greeted as the champion of an oppressed nationality, but he is very distinctly greeted as one who came in the name of the Lord, the father of the orphan and the judge of the widow.[1] This shows us that there was incidentally a good side even to the claim of the ecclesiastical order to be exempted from the common law of the land. The same privilege which sheltered the guilty priest claimed also to cast the shield of the Church over the most unprotected classes of the people, and to deal out to the widow and the orphan a justice less stern than that which was dealt out by Ralph Basset and his successors.[2] The jurisdiction of the Bishop was doubtless often abused to save men for whom the heaviest punishment was not too severe. But it also not uncommonly saved the innocent from the horrors of blinding and mutilation, by claiming them for a tribunal whose heaviest punishments were stripes and imprisonment.[3] In this way we can understand why popular feeling should have been on the side of ecclesiastical pretensions, and we can see also how, in an indirect way, Thomas was the champion of men of Old-English race. The cause of the Church was felt to be the cause of the poor, and the cause of the poor was the cause of the native English. Otherwise we are no more called on to see in him a champion of English nationality than we are called on to worship him as a saint and martyr. Without doing either, we may see in him a man born on our own soil, whose whole feelings were with the soil on which he

The people on the side of Thomas.

Good side of the ecclesiastical exemptions.

Thomas individually an English champion.

General estimate of Thomas.

[1] See Herbert, Giles, vii. 315, and Historical Essays, 99, 108.

[2] See especially the story in the Miracula B. Thomæ, 184.

[3] We must remember also that the clerical exemptions cut both ways, and that the murderer of a priest, as well as the priestly murderer, was punished only by ecclesiastical censures. See the letters of Archbishop Richard on this head among the letters of Peter of Blois, 73 (Giles, i. 217).

was born, who at every stage of his life devoted great powers with an honest purpose to the cause which for the time he deemed his duty, but who was placed in a post for which he was utterly unfit, and was therefore driven to play a part which, though sincere, was constrained and unnatural. Casting aside alike hagiology and romance, and looking at Thomas by the plain light of history, it would be hard indeed to refuse him his place among the worthies of England, while, from our own special point of view, he is the noblest witness to the ease with which the Norman born on English soil became an Englishman. CH. XXVII.

Third period of Henry's reign. 1170–1189.

The death of Thomas brought on the third period of the reign of Henry, the period of combined foreign, civil, and domestic war. Even before the Archbishop's death, disputes had arisen between the King and his newly crowned son, and quarrels between the father and his sons fill up a great space in the remaining history of his reign. Here is another point of unlikeness between the reigns of the second Henry and the first. The personal vices of the two Henries were of the same kind, and the life of the first gave at least as much personal scandal as the life of the second.[1] But the vices of Henry the First were purely personal vices, which led to no political results; the vices of Henry the Second form an element in his political relations at home and abroad. The Lady of Aquitaine, with the fiery blood of the south in her veins, could not bear the infidelities of her husband with the same meekness as good Queen Mold. The career of Eleanor, sometimes imprisoned by her husband, sometimes stirring up her sons and his other enemies

Vices of the two Henries.

Character of Queen Eleanor.

[1] See especially Will. Neub. iii. 26, and the stories in Jo. Sar. Ep. 246 (ii. 142); Giraldus, De Inst. Princ. 91; Will. Arm., Duchesne, v. 132. Cf. Jo. Sar. Polyc. iv. 5 (iii. 231).

CH. XXVII. against him, is something novel and strange after the three different forms of wife-like virtue which we have seen in our three Matildas. The outraged wife, the rebellious sons,[1] the jealous over-lord,[2] vassals and subjects revolting on every pretext, fill up the remaining nineteen years of a reign which began so brightly.[3] Chester, Norwich, Leicester,[4] become strongholds of rebellious Earls; their castles have to be again won back to the royal obedience as in the days of Ralph of Wader and of Randolf of Chester.[5] The Welsh continue their usual inroads with somewhat more than their usual success.[6] Scotland, under her Lion-

Rebellions and wars of Henry's later days.

1173-1174.

Scottish and Welsh wars.

[1] On their characters see W. Map, 139. Gervase (1462-1463) contrasts the bad character of Richard with the good one of Henry, who certainly gets a good character in many quarters, and who even appears as a saint and martyr in the discourse of Thomas Agnellus, printed in the new edition of Ralph of Coggeshale. Cf. Will. Neub. iii. 7. The division of Henry's dominions among his sons is brought out in Chron. S. Albini, 1169.

[2] We should however look to the French side, as we find it in the Gesta Ludovici VII. (Duchesne, iv. 39, 414), and in the Lives of Philip by Rigord and William of Armorica.

[3] The beginning of troubles is well marked by R. de Diceto, 559, 562.

[4] See the account of the rebellion in Benedict, i. 43-73; Stubbs, Const. Hist. i. 477 et seqq. "The English rebellion comprised nearly all that portion of the baronage which inherited the traditions of the Conquest and the ancient Norman spirit. It was a Norman rebellion on English soil." It is therefore really a witness to the fusion when Benedict (i. 47) speaks of "furor perfidæ gentis Angliæ." But it should be noted that the loyal forces in East-Anglia carry the banner of Saint Eadmund. And among those in the service of young Henry who clave to his father we find "Ælwardus camerarius suus" (Benedict, i. 43), surely an Englishman of the Englishmen. And Jordan of Fantosme (1467) shows us another native Englishman high in command. When William of Scotland gets to Appleby,

> "Cospatric le fiz Horm, un viel Engleis furi,
> Esteit li cunestable."

Best of all, Robert of Mowbray (Ben. i. 68), "dum iret versus Leicestriam pro auxilio, in ipso itinere captus fuit a rusticis del Clay et retentus." (Cf. above, p. 302.)

[5] R. Howden, ii. 65. There was also, as at every restoration of order, a great destruction of castles. R. de Diceto, 585.

[6] On the first Welsh war in 1157 and the fate of Henry of Essex, see Will. Neub. ii. 5; Jocelin of Brakeland, 50. Cf. R. de Monte in anno, and 1163.

King, the valiant William, again risks the same venture which had fared so ill at Brunanburh and at Northallerton. But the strong heart of the royal lawgiver, the stout arm of his famous Justiciar,[1] guarded the island realm against all enemies. The rebel Earls are subdued; the Welsh princes are brought back to their old homage.[2] As for the rebel highest in rank and power, Alnwick, which had seen the death of Malcolm, saw also the captivity of William. It might seem like the special victory of embodied Law when Randolf of Glanville brought the captive King of Scots before the throne of Henry. The Imperial claims were again enforced as they had never been enforced before; they were secured by the homage of the Scottish lords and by the placing of Scottish castles in the hands of a King who was more truly the Bretwalda than any King that had gone before him.[3] Meanwhile another realm beyond the sea was, at least in name, added to the dominions of England, and henceforth the lordship of Ireland was added to the titles of kingdom, duchy, and county.[4] In

CH. XXVII.

Capture of William of Scotland. 1174.

Homage of William at Falaise, 1175, and York.

Conquest of Ireland. 1169-1171.

[1] Randolf of Glanville, already active in judicial service, does not become chief Justiciar till 1180. His immediate action at Alnwick comes out most strongly in Jordan of Fantosme, especially just at the end of his story, p. 94. We must respect Randolf as at once a good soldier and a good lawyer, and as the author of our first law-book. But there is a very ugly story about him in Roger of Howden (ii. 286), who speaks in a different tone in ii. 215. In Richard of the Devizes, 7, he is "regni Anglorum rector et"—had Richard read the Acharnians?—"regis oculus." Cf. W. Map, 8, 251; Giraldus, De Inst. Princ. 21.

[2] See Benedict, i. 314. Cf. i. 92, 162, where the Welsh Princes still appear as "reges."

[3] Benedict, i. 67; Will. Neub. ii. 34, who says of William's host, "Erat in eodem exercitu ingens Anglorum numerus, regni enim Scottici oppida et burgi ab Anglis habitari noscuntur." One of the King's fellow-captives is "Waldevus filius Baldewini," a reversal of the usual law of nomenclature. On the treaty and homage, see Benedict, i. 74, 96.

[4] Ireland however was granted to John as a kingdom (Ben. i. 162), nor was he to be without under-kings, as a grant is made of the "regnum de Limerick tenendum de ipso a Johanne filio suo" (Ben. i. 163). But we are more concerned with the grant of Wexford to the Dapifer William the son of Ealdhelm; see Benedict, i. 25, 99, 125, 161, 163, 221; Fœdera, i. 36.

CH. XXVII. Continental wars. Rebellion of John. Loss of Le Mans. 1189. Death of Henry at Chinon. 1189. Joan of Arc at Chinon. 1429.

the later years of Henry, Britain was at peace; it was only in his continental lands that he had still to strive with the foes that were of his own household. At last the hardest blows of all fell on the prematurely aged King. The darling son for whom he had won a realm appeared among the rebels who needed his forgiveness, and the glorious city of his birth passed into the hands of a foreign conqueror. John among the traitors,[1] Le Mans in bondage to Philip of Paris,[2] were blows against which Henry had no longer the heart to bear up. The King who had made a dominion to which England gave its name the mightiest power of the Western world, the King who had set his personal stamp on the laws of England for all time, died, worn out with toil and sorrow, in a far-off castle of his continental lands. He died in the fortress overhanging the Vienne, in that famous Chinon where brother had imprisoned brother in the days when his forefathers were simple Counts,[3] in the fortress which in after times beheld the first appearance of her who came to tear away a continental dominion yet greater than his own from another King of England of his own blood and name.

Legislation of Henry.

Yet among all the toils and troubles of the last twenty-five years of Henry's reign, the work of legislation went steadily on from its beginning to its end. Whether the King was in England or beyond the sea, the genius of the lawgiver and ruler was ever present, either in the King's own person or in that of his great Justiciar. It matters little whether it is to Henry himself or to Randolf of Glanville and his predecessors that we attribute

[1] See R. Howden, ii. 366; Giraldus, De Inst. Princ. 148.

[2] Benedict, ii. 67.

[3] See vol. iii. p. 315. On the touching details of the last days of Henry, see the narrative from Giraldus and Roger of Howden worked together in Professor Stubbs' Preface to Roger, ii. lxi. Cf. Rigord, Duchesne, v. 29; Will. Arm. v. 134.

the actual drawing up of the great statutes, the successive constitutions and assizes, which form the legislative wealth of Henry's reign. The ordinances of Henry the Second, so many of which have been preserved to us in their formal shape, were put forth, after ancient constitutional precedent, by the advice and authority of the Witan of the land. The ancient phrase itself survives in the Latin formulæ which have supplanted those of our own tongue.[1] Henry acts by the advice of the national Council in matters of internal legislation, of foreign policy, and of family alliance.[2] But it is specially of his laws that we have here to speak. In these his object throughout is to tread in the steps of his grandfather.[3] The work of legislation began earlier in his reign than any of the ordinances which are preserved to us in the form of written documents. And his whole legislation had one object. In everything Henry strives to establish the peace of the realm[4] and to confirm

CH. XXVII.

The action of the Witan goes on.

Henry's legislation on behalf of order.

[1] See above, p. 412. See Stubbs, Preface to Benedict, ii. cx.

[2] The Assize of Clarendon was put forth "de consilio omnium baronum suorum" (Select Charters, 137), and the Assize of the Forest (ib. 150) "per consilium et assensum archiepiscoporum, episcoporum, et baronum, comitum, et nobilium Angliæ." When William of Sicily asks for his daughter, he gathers his Witan (see above, p. 412) "et consuluit eos quid tam magni regis nuntiis responderet," or, as R. Howden (ii. 94) puts it, "consilio universorum episcoporum comitum et baronum regni concessit regi Siciliæ filiam suam." In some places more popular language is used, as by Roger, ii. 4; "clero et populo consentientibus et assentientibus fecit ipse prædictum Henricum filium suum coronari et in regem consecrari." So according to Benedict, i. 107, the Assize of Northampton was put forth "per consilium regis Henrici filii sui, et per consilium comitum et baronum et militum et hominum suorum."

[3] The constant references to the "leges avitæ" have a special meaning. Will. Neub. i. 2. So Roger of Howden (i. 215) says emphatically, "Ipse pacem stabilivit in regno, et leges Henrici regis avi sui præcepit per totum regnum suum inviolabiliter teneri." Cf. Gervase, 1386. The same phrase is found in his charter in Select Charters, 129.

[4] On Henry's character as the maintainer of peace, see above, p. 320. It comes out most emphatically of all in his portrait by Peter of Blois (i. 195); who also describes him as constantly going through his kingdom (cf. p. 162) to overlook the conduct of his officials.

CH. XXVII. the royal power, two objects which in his days were but one object. Every enactment is aimed at some form of lawlessness, feudal or ecclesiastical. With this one view he sometimes enforces or restores ancient institutions, sometimes he establishes new ones. But in no jot or tittle of his legislation is there any sign of distinction between the older inhabitants and the later conquerors of the land. Henry everywhere legislates for an united nation, a nation which his legislation must have helped to make more closely united still. In the years before his quarrel with Thomas he had restored the power of the Crown, and had secured the succession to his son by the general homage of his baronage. The realm thus made fast at home was presently engaged in foreign warfare to maintain the King's claims on Toulouse. In that war, through a feudal scruple at which his Chancellor Thomas mocked,[1] Henry declined personally to bear arms against his feudal lord; but he none the less took the opportunity to strike a blow at feudalism within his own realm. The famous scutage, the acceptance of a money composition for military service, alike for the Old-English service of the *fyrd* and for the newer military tenures, dates from this time.[2] The hiring of mercenaries was nothing new; but to hire them with money paid as an exemption from personal service was a device of Henry and Thomas. During their joint rule also some of those steps were

He legislates for an united nation.

Establishment of his power. 1154-1157.

War of Toulouse. 1159.

The Scutage. 1159.

[1] R. de Diceto, 531. See Will. Fitz-Stephen (Giles, i. 200), who speaks of Henry's scruple as "vana superstitione et reverentia."

[2] On the scutage, see Stubbs, Const. Hist. i. 456. R. de Monte (1159) specially marks Henry as "nolens vexare agrarios milites nec burgensium nec rusticorum multitudinem." Henry's mercenaries, Brabançon and Welsh, come out in R. Howden, ii. 47, 65; "Habuit secum viginti millia Brabancenorum, qui fideliter servierunt illi, et non sine magna mercede, quam eis dedit." Cf. iv. 16; W. Map, 60; R. Wendover, iii. 348; Gervase, 1426, 1427. In France they appear as "cotarelli." Chron. S. Albini, 1173; Hist. Lud. 7 (Duchesne, iv. 417). The ecclesiastical aspect of the tax comes out in John of Salisbury (Ep. 145), i. 223.

taken which entitle the King, and his Chancellor with him, to the credit of having taken the greatest of all steps in the gradual developement of jury trial. The Constitutions of Clarendon imply that the system of recognitions was already at work, as other documents of Henry's reign refer to a time when it was still unknown.[1] Then came the days of quarrel. Thomas, so lately the zealous minister of the King, becomes the leader of a constitutional opposition against him. He withstands, and withstands successfully, the levying of a Danegeld. That Danegeld was to be levied in some shape which, whether old or new, was in form more burthensome, which would make it more distinctly a revenue vested for ever in the King, and which would wipe out its character as a gift of the nation in its assembly.[2] Even those who are most unwilling to allow any praise to one who bore the titles of saint and martyr have been driven to confess that in this matter the part of Thomas did but forestall the part of Hampden.[3] King and Primate are now enemies. The great work of the second period of Henry's reign was the ever memorable Constitutions of Clarendon.

CH. XXVII. Developement of the Jury. Constitutions of Clarendon. 1164. Thomas withstands the Danegeld.

It marks the swift stages of ecclesiastical encroachment during the twelfth century that these Constitutions, which one side put forth as simply re-enacting the ancient customs of the realm, could by the other side be, with some show of truth, represented as innovations on the received order of things. As judged by the standard which had crept in during the anarchy, they were undoubtedly innovations. As judged by the standard of earlier times, there is little in them but the ancient customs of the realm put forth in the systematic shape of regular enactments.[4] The

Constitutions of Clarendon, how far innovations.

[1] See the passages bearing on this in Stubbs, Const. Hist. i. 615–617.

[2] Ib. i. 462.

[3] Even Mr. J. C. Robertson (Becket, A Biography, p. 73) says, "In another case the Primate appeared as a sort of Hampden."

[4] See Pauli, Geschichte von England, iii. 37. Cf. 44.

CH. XXVII. chief points insisted on by Henry the Second are very nearly the same as the points in which zealous churchmen looked on the government of William the Great as infringing ecclesiastical liberties.[1] That some of the innovations of Randolf Flambard had made their way among the more ancient customs is in no sort wonderful.

Designed to renew the law of Henry the First.

The Constitutions of Clarendon were designed to re-enact the law as it stood under Henry the First.[2] The old supremacy of the Crown is fully established. The distinction which the Conqueror had established between

Relation of temporal and ecclesiastical courts.

temporal and spiritual courts is continued. But it is for the temporal court to judge by which jurisdiction accused clerks are in each case to be tried; it is for the temporal court to watch the proceedings of the ecclesiastical court, and the ecclesiastical court is not to shelter the clerk who is proved to have offended against

Appeals forbidden without the King's leave.

the laws of the land.[3] In no cause is any appeal to go beyond the court of the Archbishop, except by the King's licence.[4] Of these two provisions, one strikes at the claim of criminous clerks to shelter themselves under the immunities of the Church; the other strikes at the claim of any foreign power to exercise any jurisdiction within the realm, unless by the express consent of its sovereign. But this last provision is delicately worded; the word *Pope* is no more to be found in the Constitutions of Clarendon than the word *slave* is to be found in the

[1] See vol. iv. pp. 437, 438.

[2] Jo. Sar. Ep. 235 (ii. 82); "Quod dico debita (libertas) non ad alicujus Henrici tempora referatur . . . . quia ex professione non Henricianus esse debet sed Christianus."

[3] Cap. iii. (Select Charters, 132); "Justitia regis mittet in curiam sanctæ ecclesiæ ad videndum qua ratione res ibi tractabitur."

[4] Cap. viii. "Si archiepiscopus defecerit in justitia exhibenda, ad dominum regem perveniendum est postremo, ut præcepto ipsius in curia archiepiscopi controversia terminetur, ita quod non debet ulterius procedere absque assensu domini regis." Cf. the great Act of Appeals of 1532-33, where the same delicacy of speech is not observed.

Constitution of the United States. The law that none of the King's immediate tenants and servants shall be excommunicated against his will is one of the points of complaint brought against the Conqueror; it was therefore no invention of Henry. That the prelates and clergy should not leave the realm without the King's leave, that, when they got that leave, they should bind themselves to do nothing to the damage of King or kingdom, followed naturally on the restraint of appeals. And the case of Archbishop Thurstan had shown that such a provision was practically needed.[1] That the advowsons of churches should be dealt with as lay fees,[2] that the baronial character of the prelates should be distinctly affirmed, was no more than putting into shape what had been custom, if not law, at least from the days of Rufus. That the King should receive the revenues of vacant prelacies was, as we have seen, a logical deduction from their baronial character,[3] though on this point the promise of Henry the First might certainly have been pleaded on the other side. Of the ring and staff nothing is said; but the provision that the election of prelates should be made in the King's chapel, with his assent and with the assent of those of his councillors whom he should think fit to summon, was only another form of the old process of appointment by the King and his Witan.[4] In all these points we may fairly say that Henry put forth no claim which could not be justified either by the actual practice of some of his predecessors or by fair inference from their practice. The Constitutions were no mere innovations of his own, but it was perfectly natural that to extreme ecclesiastical zealots they should appear in that light.

CH. XXVII.

The King's servants not to be excommunicated without his leave.

Prelates not to leave the kingdom without his leave.

Consequences of the feudalization of church lands.

Election of Prelates.

In short, the attempted legislation of Henry the Second, while it forestalled the successful legislation of Henry the

Henry's schemes premature.

[1] See above, p. 235.

[2] Cap. i. (Select Charters, i. 132).

[3] See above, pp. 378, 379.

[4] See vol. ii. p. 66. Cf. Select Charters, p. 130.

CH. XXVII. Eighth, was very little more than a codification of the law of Eadward; it was nothing more than a codification of the law of the elder Henry. But the attempt was premature. All the tendencies of the age ran the other way, and those rights of the Crown and the nation which the legislation of Henry the Second would have won for us at a blow had to be won bit by bit during a struggle of four hundred years. But there are other points in these Constitutions which throw light on other questions which have been discussed in earlier chapters.

The Jury. The passages which assume the mode of procedure by the recognition of twelve men show that Henry's great step in the direction of the jury had already been taken.[1]

Ordination of villains. On the other hand, the Constitutions contain what is probably the first disqualifying provision to be found in any English statute. The son of the villain was not to be ordained without the consent of his lord.[2] Granting the rights of the lord over his villain, such a prohibition is a natural inference from them. But it stands out in marked opposition to the elder principles alike of the Christian Church and of the law of England, and it called forth a burst of indignant condemnation from an admirer of the Primate in another land.[3]

Henry's later legislation. It was out of the Constitutions of Clarendon that the quarrel arose which marks the middle period of Henry's reign. But, even during the time of quarrel, the work of legislation did not stop. Three great acts of Henry's reign, the first of which was put forth while the controversy was at its height, may be looked on as summing

[1] Cap. vi. "Vicecomes requisitus ab episcopo faciet jurare duodecim legales homines de vicineto, seu de villa, coram episcopo, quod inde veritatem secundum conscientiam suam manifestabunt."

[2] Cap. xvi. "Filii rusticorum non debent ordinari absque assensu domini de cujus terra nati dignoscuntur." But see Select Charters, 130.

[3] See the passage quoted from Garnier in Historical Essays, p. 109.

CH. XXVII.

The Assize of Clarendon. 1166.

The Inquest of Sheriffs. 1170.

The Assize of Northampton. 1176.

Proceedings before the King's Judges.

The recognitions favoured as against both ordeal and wager of battle.

Destruction of castles.

up his reforms in the administration of the law. These are the Assize of Clarendon, revised and enlarged ten years later in the Assize of Northampton, and the intermediate document called the Inquest of Sheriffs. This last is perhaps less an actual statute than a series of administrative instructions. In all of them we see the care with which Henry worked for the establishment of the royal power throughout the land, and, above all, for its establishment in such a shape as to enable every man to have justice done to him in the King's name. The two Assizes regulate the inquisitions to be held by the King's Judges in every shire and in every hundred, without regard to local privileges.[1] And they provide distinctly that all such inquisitions shall be made by the oaths of a lawful jury.[2] The assize by recognitors is the great and favourite institution of Henry. In his legislation the ordeal becomes something secondary, and the wager of battle seems to have been discouraged by him in the same spirit in which he forbade the tournament. The superior merits of inquiry by the oath of twelve lawful men, as contrasted with the uncertainty of the judicial combat, are strongly set forth by the Justiciar Randolf.[3] At the same time, the Justices were to look carefully to the de-

[1] Assize of Clarendon, 8, 9 (R. Howden, ii. 248; Select Charters, 138). All men are to come "ita quod nullus remaneat pro libertate aliqua quam habeat, vel curia, vel soca quam habuerit."

[2] Ib. 1. The assize is to be taken "per xii. legaliores homines de hundredo, et per iv. legaliores homines de qualibet villata, per sacramentum quod illi verum dicent."

[3] Tractatus de Legibus, ii. 7 (Phillips, ii. 356). "Est autem magna assisa regale quoddam beneficium, clementia principis de consilio procerum populis indultum, quo vitæ hominum et status integritati tam salubriter consulitur, ut in jure, quod quis in libero soli tenemento possidet, retinendo, duelli casum declinare possunt homines ambiguum." This is in the spirit of Arnold's comment on the Legis Actio (History of Rome, i. 277); "It stands opposed to all those acts of superstition or violence, by which the ignorance or passion of man has sought to obtain the same end; to the lot or the ordeal on the one hand, to the dagger of the assassin or the sword of the duellist on the other."

CH. XXVII. struction of castles, the work in which Henry had been so busily engaged in the beginning of his reign, and which doubtless needed largely to be done over again after the revolt of his sons and of the rebel Earls.[1] The feudal rights of the Crown are also to be looked after, and monks and canons of all kinds are forbidden to receive men of the lower sort into their several societies, unless they were well assured who they were.[2] The words which imply a class distinction are unpleasant; otherwise this ordinance may well have been needed to hinder the offices, and thereby the privileges, of the Church from being lightly bestowed on unworthy persons. And, almost as if to make a special display of orthodoxy during Henry's time of dispute with the ecclesiastical power, penalties are denounced against all who should give any help or comfort to certain heretics—the first recorded in our history—who had been lately condemned in a council at Oxford.[3] The middle document of the three, the Inquest of Sheriffs, shows that Henry, in establishing the authority of the royal officers, was quite ready to hear complaints against them and to redress any wrongs which they had done.[4] Through his whole reign Henry appears as appointing and displacing Sheriffs and

Rules as to the admission of monks and canons.

Penalties of heresy.

Henry's willingness to redress the misdeeds of his officers.

[1] Assize of Northampton; Benedict, i. 110; Select Charters, 145. "Item justitiæ provideant quod castella diruta prorsus diruantur et diruenda bene prosternantur."

[2] Assize of Clarendon, 20; Select Charters, 139. They are not to receive "aliquem de populo minuto in monachum vel canonicum vel fratrem, donec sciatur de quali testimonio ipse fuerit, nisi ipse fuerit infirmus ad mortem."

[3] Assize of Clarendon, 21; W. Map, 62. He acted differently on the continent at a later stage of his reign. See R. Howden, ii. 273.

[4] On the deposition of the Sheriffs, see Benedict, i. 5; R. de Monte, 1170; Select Charters, 140; Const. Hist. 473. But some of the deposed Sheriffs were replaced, "et ipsi postea multo crudeliores existerunt quam antea fuerunt." Cf. the complaints of John of Salisbury, Polyc. v. 15 (iii. 327). The contrast between the royal and the popular courts comes out when Eleanor, after the death of her husband (Ben. ii. 74), orders the release of all who were "retenti per voluntatem regis vel justitiæ ejus, qui non essent retenti per commune rectum comitatus vel hundredi."

other officers, mapping out the circuits of Judges, increasing and lessening their numbers, as seemed at each moment most likely to promote his objects.[1] At no time in English history, till we reach the reign of Edward the First, was the work of legislation so busy. We might almost say that the great source of our law, the law of King Eadward as amended by King William, was first put into a systematic and authoritative shape by the care of Henry and his great Justiciar. CH. XXVII. Activity of his legislation.

Two more ordinances of our first Angevin King must also be mentioned. One of them sets him before us in a specially English point of view, while the other reminds us that we are still dealing with Kings who were strangers and, on one side of them at least, oppressors. Saving a few technical phrases of feudal law, King Henry's Assize of Arms might have been put forth by Cnut or Ælfred. Henry had tried feudal levies, and he had found it convenient to commute the military service of his feudal tenants for a payment in money. He had tried mercenary troops, and he had found that, in England at least, their presence was not to be borne, save in a moment of extremity to drive out others of their own kind.[2] For the defence of his kingdom he fell back on the old constitutional force of the land, and his ordinance enforces the right and duty of every free Englishman to be ready for the defence of the commonwealth with the arms befitting his own degree in the commonwealth.[3] The Assize of Arms. 1181. Use of mercenaries. He recognizes the *Fyrd*.

[1] See, among other instances, one of the passages quoted above, p. 412.

[2] In 1174 Henry comes back, bringing his Brabançons with him, but it is to fight against the rebel Earl of Norfolk, who held Framlingham "cum magna multitudine Flandrensium." Benedict, i. 73. Cf. 51, and Preface, ii. cviii–cx. See Pauli, iii. 107.

[3] We may indeed use such words when we read in the third section (Select Charters, 147), "Item omnes burgenses et tota communa liberorum hominum habeant wambais et capellet ferri et lanceam." See Const. Hist. i. 591. Compare Preface to Benedict, ii. civ; Ann. Wav. 1181. But the noblest tribute to Henry's legislation in this matter is found in the sneer of Gervase (1459); "Unde factum est ut rustici imperiti vangis et fossoribus assueti armis militaribus gloriarentur inviti."

CH. XXVII. The Assize of the Forest. 1184.

But against the Assize of Arms we must set the Assize of the Forest.[1] On this point matters had perhaps mended a little, but only a very little. The legislation of Henry against all breaches of the stern forest law is only one degree less harsh than that of his grandfather.[2] When the King's special pleasures were touched, not even the privileges of the Church might shelter the offender. Yet here too we see the growth of a regular jurisdiction, even in the administration of the most arbitrary of codes; and the true nature of the forests, so often misunderstood, is clearly brought out in them. As we see in Domesday, the King's forest does not exclude the property of other men within its bounds; it only lays the owners of such property under vexatious and cruel restrictions.

Nature of the forests.

Even in the Assize of the Forest we see the carrying out of the same principle which shows itself in Henry's favourite institution of the recognition, the principle which, by developement in different directions, grew both into the Jury and into the representative Parliament. In each shire knights were to be appointed to see that the King's rights in the forest were not infringed. Four years later, by almost the last act of his reign, Henry, by the authority of his Witan assembled at Geddington, decreed the collection of a tithe for the common work of Christen-

The Saladin tithe. 1188.

[1] See R. Howden, ii. 243, 245.

[2] Will. Neub. iii. 26. "Venationis delicias æque ut avus plus justo diligens [cf. Giraldus, De Inst. Princ. 63, 70], in puniendis tamen positarum pro feris legum transgressoribus avo mitior fuit." His punishments did not go beyond imprisonment or banishment. See also the fiercer language of Ralph the Black, 167, 168. The most important point is the charge that "sata pauperum loca pascuæ fecit." See also the story in Benedict, i. 94 (cf. R. de Diceto, 587), where Henry proceeds against nearly the whole nation for breaches of the forest-laws, and where the Justiciar, Richard of Lucy, pleads the King's own charter in vain. See Stubbs, Preface to Benedict, ii. lxxxiii; Select Charters, 149; Const. Hist. 489. See also Magna Vita, 125, where the excommunication of the chief forester would seem to come under one of the provisions of the Constitutions of Clarendon (cf. 176).

dom, the winning back of the Holy City from Saladin. CH. XXVII.
As by the Assize of Arms local jurors were to give their witness as to the liabilities of particular men to military service, so now throughout the cities and boroughs of England the liabilities of each man to the tithe was in the like sort assessed by local witnesses.[1] Here, as everywhere else, we see a step in the developement of our ancient institutions into forms more suited to the new state of things.

General importance of Henry's reign.

From every point of view then the reign of Henry, the time of the restoration of law after the nineteen years of anarchy, is one of the greatest importance, both from a general constitutional point of view and from the special point of view of our present subject. Henry legislates for a kingdom from which all practical distinctions between conquerors and conquered have vanished, a kingdom in which nothing but a few formal phrases remains to tell men that French and English had ever been the names of hostile races within the realm of England.[2] Under Henry, England, though politically only part of one vast dominion, is legally a realm which knows nothing of the dominions of its sovereign beyond its own shores. The arms of England are to be kept for the defence of England. No man is to send or sell weapons of war out of the kingdom, and no distinction is drawn between wholly foreign lands and

England distinct from his foreign dominions.

[1] Benedict, ii. 30–33; Select Charters, 152. The dislike to the tithe comes out in Ralph of Coggeshale, 25.

[2] The formula in the charters, "omnibus fidelibus suis, Francis et Anglis" (Select Charters, 158), still goes on, but it must have been by this time a mere formula. In the charter of Lincoln the citizens are to have the liberties, customs, and laws which they had "tempore Eadwardi et Willelmi et Henrici regum Angliæ," the phrase coming over twice. The succession from the Old-English Kings is thus asserted, and the three periods of law are marked out in distinction from the anarchy of Stephen, the tyranny of Rufus, and what still doubtless passed for the usurpation of Harold. This charter belongs to quite the early years of Henry's reign, as it is signed by Thomas the Chancellor and by Henry of Essex.

CH. XXVII. the King's own continental dominions.[1] That the legislative ordinances and the other formal documents of this reign are mainly drawn up in the common tongue of Western Europe is in truth, as we have already seen, no small witness to the fusion of the two races. In short, if any outward traces of separation lingered on to the beginning of Henry's reign, they had assuredly vanished before the day when his crown passed to a son born on English soil, but far less English in heart than he himself.

General character of Henry's reign.

These are the chief features, so far as they concern our special point of view, of this memorable reign, a reign which forms one of the main epochs in English history.[2] It is the reign of a King who was born at Le Mans and who died at Chinon, but who laboured for the peace of England, and devoted no small part of his busy life to the true welfare of the English nation. It was no small praise, at the moment when Henry lived, that he could be spoken of as the oppressor of the nobility[3] and as the man who trampled the privileges of the Church under foot. It was because he was the oppressor of the nobility, the man who for ever broke the power of the barons of the Conquest, that the words which sound as praise in the days of the second Henry would

[1] In the Assize of Arms (8) the order is, "Item nullus portet arma extra Angliam, nisi per præceptum domini regis; nec aliquis vendat arma alicui qui ea portet ab Angliâ." No distinction is here drawn between Normandy or Aquitaine and France or Italy. So Giraldus (De Inst. Princ. 19) speaks of the young Henry as having "multos et magnos tam Anglicanos quam transmarinos complices et fautores."

[2] See Stubbs, Preface to Benedict, ii. xxxiii. "He stands with Alfred, Canute, William the Conqueror, and Edward I, one of the conscious creators of English greatness."

[3] Giraldus, De Inst. Princ. 16, 72. Ralph the Black (167–169) specially enlarges on Henry's exaltation of new men by giving them the daughters of the nobles in marriage. Cf. what Rigord says of Alfonso of Castile, v. 39. The same idea comes out in another shape in the panegyric of Ralph of Coggeshale, 25.

have borne an opposite meaning in the days of the third. CH. XXVII.
But one other aspect of Henry's reign must not be wholly passed by. The King who reigned from the Orkneys to the Pyrenees spread his fame and influence, and thereby indirectly the fame and influence of his kingdom, over a wider range than any English King had done before him.[1] European position of Henry.
The days of Eadward the Unconquered seem to have more than come back when the daughters of a King of the English were sought in marriage by Kings whose kingdoms had in the days of Eadward not yet been brought back within the pale of Christendom.[2] Daughters of England now wore royal crowns at Toledo and at Palermo, and, among these alliances with princes of the Romance speech, the older alliance with our own kinsfolk of the mainland was not forgotten. And in this case it took a special form. While Joan and Eleanor were Queens, Matilda never rose above ducal rank; yet the wife of Henry the Lion holds an unique place in our history as the one Englishwoman who was the mother of an Emperor. And all these distant marriages had their bearing more or less direct on later pages of our history. The Saxon alliance helped to keep up the old connexion between England and Germany, and to make it closer still in the next generation, when the diadem of the Cæsars was borne by one who had been marked out at various times as Earl of York, Earl of Northumberland, and heir of the Scottish crown.[3] The connexion with Marriages of his daughters. Marriage of Matilda and Henry the Lion. Otto the Fourth.

[1] Magna Vita, 52, 75; Peter of Blois, i. 195; Will. Neub. ii. 4. "Regis autem supra omnes qui hactenus in Anglia regnasse noscebantur latius dominantis, hoc est ab ultimis Scotiæ finibus ad montes usque Pyrenæos, in cunctis regionibus nomen celebre habebatur." W. Map, 60. "Rex noster Henricus secundus cujus potestatem totus fera timet orbis." Compare Giraldus, De Inst. Princ. 12, 13, 55; R. de Diceto, 542, 611; Chron. S. Albini, 1152; Will. Arm., ap. Duchesne, v. 134; T. Wykes, 1152. On the general European position of Henry, see Stubbs, Preface to Benedict, ii. xv; Preface to R. Howden, ii. lxxxii.

[2] On the marriages of Henry's daughters, see R. de Diceto, 616.

[3] See the various earldoms given or promised to Otto the son of Henry,

CH. XXVII. Eleanor of Castile.

Spain was new; but it bore its fruits both in the family relations and in the political events of the thirteenth and fourteenth centuries, and it took its noblest form when the younger Eleanor came back to the land of her ancestress to be the wife of the greatest of its Kings. The Sicilian connexion might, a generation earlier, have passed for a tribute from one Norman King to another; it now rather marked the way in which both parties in the great Italian strife looked to Henry as a possible friend or a possible enemy. Yet it was by a kind of irony of fate that the King who was fighting the Ghibelline battle in his own island should find his nearest continental allies in Guelfs by blood or by policy. We turn away in sadness from the gloomy end of the King who did justice and made peace, as we entered with gladness on his bright beginnings. From one who, with all his faults and crimes, we must revere as one of the conscious founders of the greatness of England, we have to turn to Kings who indeed put the finishing stroke to Henry's work, but who did it only as unwilling instruments in the hands of men greater and better than themselves.

Italian policy of Henry.

Accession of Richard the First. 1189.

His character.

After a great King came a knight-errant. The undutiful eldest son of Henry, the younger King of the same name, had died before his father, leaving the next place to another son not less undutiful. Richard, already for many years Count of his mother's Poitou,[1] succeeded the father from whose corpse, so the tale ran, blood flowed at his presence, in witness of his parricide.[2] In him we have again the chivalrous Rufus with a slight exchange of vices. Rufus, blasphemer of his God, was still dutiful

afterwards the Emperor Otto the Fourth, by his uncle Richard in R. Howden, iii. 86, 298, 308. Compare iv. 83, 116.

[1] See Jo. Sar. Ep. 244 (ii. 136).

[2] Benedict, ii. 71; R. Howden, ii. 367.

to his father; Richard reconciled the breach of every duty of a man, a son, and a King with some degree of at least formal piety,[1] and with special zeal for the Holy War. Yet meaner and more grasping after money than Rufus himself, Richard showed a certain real power of forgiving offences which differs from the mere pride which kept Rufus from avenging himself on those whom he despised.[2] Born as he was on English soil, no King ever had less of English feeling; none cared less for the welfare of England; none so systematically made himself a stranger to her. In the camp before Acre, in the dungeon of the Austrian, before the walls of Chaluz, Richard of Poitou appears in every land and in every character except that of a King of the English dwelling and reigning in his own kingdom. Yet the reign of the foreign-hearted absentee was a reign under which the law and the freedom of England grew and prospered. They grew and prospered, because a King who would have done nothing for them in his own person kept himself constantly absent from his kingdom. Not under Richard, but under Richard's ministers, the work of Henry went on. More than one step in constitutional progress dates from his time. And even his career in the East and his general fame as a warrior did much to spread the fame of England in other lands;[3] it did something perhaps to strengthen the feeling of national pride in the hearts of Englishmen.

CH. XXVII.

Un-English character of his reign.

Constitutional advance under his ministers.

The Poitevin Count, childless and unmarried, became Duke of the Normans and King of the English without

Coronation of Richard. September 3, 1189.

[1] R. Coggeshale, 91, 97.

[2] Ib. 64.

[3] There were perhaps two sides to our fame in those days, for Richard of the Devizes (20) says, "Græculi et Siculi omnes hunc regem sequentes Anglos et caudatos [see above, p. 267] nominabant." This writer seems to speak of William's forces as "Angli" more systematically than anybody else. See especially pp. 16, 76. William of Armorica always speaks in the same way. In Book iii. (Duchesne, v. 126) we even read, "Imperiumque ferat Anglorum Gallicus ultro."

CH. XXVII. any opposition on either side of the sea.[1] By this time

Arthur at first looked on as the heir of Richard.

the new notion of strict hereditary right and the subtler notion of representation had taken such root that, in the earlier part of Richard's reign, his nephew Arthur, the son of his deceased brother Geoffrey, seems to have been looked on as in some sort the heir of the kingdom. But again all such schemes came to nothing, and in the latter part of Richard's reign nothing more was heard of an heirship so contrary to all English precedent. The new King was crowned; after a few characteristic acts of generosity and meanness,[2] he set forth on the Crusade, the Crusade on which his father had vowed to go but had been hindered from going by Richard's own rebellion. Englishmen of both races had already shone in earlier holy wars, and it is of almost higher interest to read that, beside actual crusaders in Palestine, Englishmen, forerunners of Byron and Church and Hastings, had been fighting under the eagles of the Eastern Cæsar against the Turkish invaders of Christendom.[3] The Crusade had indeed lost its head, its chief highest in rank and in character, when the great Frederick died in the waters of the Kydnos. But Richard and Philip went on their way, to do something by their quarrels in Palestine towards strengthening the national rivalry which had grown up between their kingdoms. So in Sicily, in Cyprus, and in the Holy Land itself, Richard wrought deeds which made the name of England famous, but which otherwise form no part of English history. But meanwhile events

His claims afterwards forgotten.

Richard's Crusade. 1190–1192.

English volunteers under the Eastern Emperors.

Death of the Emperor Frederick. June 10, 1190.

[1] Richard's combined hereditary and elective right (cf. vol. ii. p. 13) is brought out by R. de Diceto, 647. William of Armorica, on the other hand (Duchesne, v. 135), seems to speak of hereditary succession as something specially English. Cf. his setting forth of elective monarchy in Germany (141).

[2] Cf. Benedict, ii. 76, 90.

[3] See the letter of the Emperor Manuel to Henry, R. Howden, ii. 104, where he describes his expedition against the Turks; "Gratum habuimus quod quosdam nobilitatis tuæ principes accidit interesse nobiscum." These must be different from the Warangians.

were going on in the kingdom which Richard had forsaken which are of more moment for our purpose than the deeds of the Lion-hearted King himself. CH. XXVII.

Release of William of Scotland from his special obligations.

One of Richard's many ways of raising money had been to release the King of Scots from the special obligations by which he had bound himself to Henry.[1] Here of course was an opening for further questions as to the relations between the Imperial and the vassal kingdom. But this point was not stirred as yet; the political interest of Richard's reign lies nearer home. The chief power was left in the hands of the Chancellor, a Norman clerk named William Longchamp, who was raised to the see of Ely.[2] This man was ignorant of the English tongue, and was remarkable for an ostentatious contempt for Englishmen, which was shown in the most offensive forms. But the way in which his ignorance and his contempt are recorded forms one of the most important witnesses to the thorough fusion of the two races.[3] This enemy of the English nation was overthrown by a common movement of the nation which he had insulted. Without any royal writ, but, like some famous assemblies before and after, in the exercise of that inherent power which was older than kingship, the Witan of England, Bishops, Barons, and London citizens, came together within the walls of the great city, under the leadership of the King's brother Earl John. To find one who afterwards became the most hateful of tyrants playing the part of Henry of Bolingbroke or William of Orange has indeed a strange sound; but it may possibly help to explain some later and puzzling passages in our story. The assembly which thus came together did not indeed depose the absent King; but it set aside the minister whom he had appointed; it debated and accepted the royal

William Longchamp, Chancellor and Bishop of Ely. 1189–1197.

His overthrow. October 16, 1191.

John presides in the Council.

[1] See R. Howden, iii. 25.

[2] His character and history are discussed in Stubbs' Preface to R. Howden, iii. xxxvii. Cf. Ann. Wav. 1197.

[3] See above, p. 527, and Appendix W.

CH. XXVII. appointment of another minister, and of its own authority it placed John, in his momentary character of patriot, at the head of the kingdom which he had in some sort delivered.[1] The man whom the nation thus raised was presently found in his more natural character, conspiring against King and country with a foreign prince; but the fact that John had once shown himself as the leader of Englishmen against one whom all Englishmen looked upon as a common enemy is not without its importance.[2]

Captivity of Richard. 1192–1193.

Then came the captivity of the King, his ransom, the homage done by him to the Emperor, his investiture, perhaps with the kingdom of England, perhaps only with the kingdom of Burgundy. For Richard personally to become the man of Cæsar could be no degradation to one who was already the man of Philip of Paris. And such a homage could in no way touch the independence of his kingdom. It is another matter if we accept the report that Richard surrendered the crown of England to Henry the Sixth, and received it again as a fief of the Roman Empire.[3] Such

His homage to the Emperor. 1193.

Was his homage for England?

[1] See Benedict, ii. 213; R. de Diceto, 664; Stubbs, Preface to R. Howden, iii. lxxix. John was "summus rector totius regni." R. Div. 38. The form of the act runs, "Placuit Johanni fratri regis et omnibus episcopis et comitibus ac baronibus et civibus Lundoniarum." Cf. Macaulay, ii. 583. The assembly very properly "concesserunt civibus Lundoniarum communem suam," and they all swore to Earl John as successor to the crown if the King died childless. Cf. Richard of the Devizes, 29, and especially his denunciation of the "communia," 53, 54. But, before Richard comes back, John is deprived of his estates "per commune consilium regni" in an assembly held by the Archbishop. On the whole story, especially the action of London, see Palgrave, Introduction to Rotuli Curiæ Regis, lv. lvi; cf. xcv. xcvi.

[2] John's momentary popularity comes out in R. Div. 29; "Ibat per regionem populosior, nec prohibebat suos se regis nominantes heredem."

[3] The homage of Richard for England, and the engagement to pay an annual tribute, are asserted in the strongest terms by Roger of Howden, iii. 202. But he adds that the Emperor on his death-bed released Richard from the tribute, if not from the homage. Presently (iii. 225) Richard is invested with the kingdom of Burgundy, on which the historian remarks that the Emperor had no real authority there. Cf. his geography in iii. 52.

an act was indeed a giving up of the position held by England in the world. It was a pulling down of the fabric which had been built up by Æthelstan and Cnut, by William and by Richard's own father. We can only plead for Richard in the hands of Henry, as we have pleaded for Harold in the hands of William, and say that no act of either Earl or King could bind the English nation to an act which her national Council never confirmed. And in any case Richard did not reach the lowest depth. It was less humbling for England to become a fief of the Roman Emperor than it was to become a fief of the Roman Bishop. In any case the homage paid to Cæsar was purely formal; but the price which had to be paid to him was practical indeed. England had to pay heavily for the ransom of a King who, as far as she was concerned, might as well have spent his time in the dungeons of Germany as on the battle-fields of Gaul. By feudal law the captive lord might claim an aid of his men for his ransom; yet it is by no means clear that even this exaction was made without the consent of the nation in its Great Council.[1] Then came the King's return, his Great Council in which he for once appeared as an English King, sitting in lawful judgement on his rebels and asking for money in constitutional form.[2] A new coronation was held to wipe out the stain of his captivity and his foreign homage, and Richard, once again full King over England, hastened to leave England for

CH. XXVII.

Richard's ransom.

His Council at Nottingham. March 30, 1194.

His coronation at Winchester. April 17, 1194.

It may have been in either of these characters that Richard was summoned in 1189 (iv. 37) to vote at the next election of a King of the Romans. For other schemes of the Emperor, see Roger, iii. 301. It should be noted that Richard in turn received the homage of several German princes (R. Howden, iii. 234), and is said to have himself received some votes at the next election. R. Coggeshale, 88.

[1] On this point, see Stubbs, Preface to Roger, iv. lxxxiii.

[2] R. Howden, iii. 240, 243. The "colloquium" lasts three days; on the third he asks for money in rather strong terms, "constituit," "præcepit." See Stubbs, Preface to Roger, iv. lxxxvi. The answer to the King of Scots is also to be given "per consilium baronum suorum."

CH. XXVII. He leaves England for ever. May 12.

ever. For the rest of his reign, his subjects heard of him only as one who was always asking for their money for enterprises in which they had no concern; but, both then and afterwards, it was through royal demands for money that the freedom of England grew and strengthened.

Hubert Walter, Archbishop of Canterbury 1193–1205, Justiciar 1193–1198. Character of his administration.

In truth, while Richard was figuring before the world in the chivalrous brilliancy of a Count of Poitou, the more prosaic duties of a King of England were well and faithfully discharged by Archbishop Hubert. In the romantic view of these times this prelate is looked on as the enemy, perhaps the murderer, of the last champion of the elder England against the Norman. That, in the later days of Richard, William the son of Osbert raised a movement in the city of London which was said to be undertaken on behalf of the poor against the rich, is beyond all doubt. The writers of his own day speak of him as a traitor, but they allow that his followers deemed him a saint and a martyr, and the judgement of his followers was adopted by a patriotic historian of the next age.[1] But whether we take the worst or the best view of William's objects, there is not a shadow of proof that he was in any sense a champion of "Saxons" against Normans, except in that indirect way in which the champion of the poor against the rich must have been the champion of a class whose forefathers were mainly English against a class whose forefathers were mainly Norman. Of conscious enmity, even of conscious distinction, between the two races in England the authentic annals of Richard's reign do not supply a single trace.[2]

Sedition of William Fitz-Osbert. 1196.

Developement of the representative principle.

The administration of Hubert undoubtedly marks a stage in the developement of the representative principle in England. I have spoken elsewhere of the important

[1] See Appendix ZZ.

[2] Richard himself had to praise the "fides Anglorum" without distinction. R. de Diceto, 675.

effects of the practice of specially summoning particular persons, whether for legislative, judicial, or any other purposes.[1] The earliest object of the summons is to secure a due attendance of qualified persons; the old law requiring the attendance of the reeve and the four men of each township has simply this object. The summons to the legislative assembly has a further object, to secure the attendance of those persons or classes of persons whose presence is specially wished for. This last process, as we have seen, led to the growth of the House of Lords as a separate body. The summons in its other form led alike to the Jury and to the House of Commons, and important steps in the direction of both those institutions were taken during the practical regency of Hubert. Richard was but little of a legislator; he was nothing of an administrator or a financier. His one object was to screw money out of his kingdom. Wherever Richard acted personally, everything was to be sold, and no commodity seems to have been found more marketable than the honour of a chivalrous King. No pretence was too base for the hero of the Lion's Heart, if money could be gained by it.[2] As usual, there was an incidental good side to extortion and venality. If Richard with one hand took money for allowing the tournaments which the combined wisdom of Church and State had hitherto forbidden, he took money on the other hand no less readily for granting charters to boroughs on a scale which makes his reign one of the great landmarks in municipal history.[3] But the Archbishop and Justiciar had to carry on the business of the nation in a way more systematic and intelligent than these

CH. XXVII.

Practice of summons.

Richard's extortions.

His charters to Boroughs.

[1] See above, p. 408.

[2] No trick can well be shabbier than Richard's denial of his own seal in R. Howden, iii. 267; Ann. Wav. 1198; R. Coggeshale, 93. Directly after come the licences for the tournaments. Cf. R. de Diceto, 676; Stubbs, Const. Hist. i. 506. On his general venality, see R. Div. 10.

[3] See Select Charters, 242, 256.

CH. XXVII. rude financial expedients of the King. The position of Hubert was indeed a hard one; he had, if possible, to satisfy the King without oppressing the nation, and it is not very wonderful if in such an attempt he managed to displease both. Both his administration and that of his successor Geoffrey Fitz-Peter are memorable for several measures which gave fresh scope to the principle of representation both in financial and in judicial matters. We have come to days when even oppression had to be carried on under both the older and the newer forms of freedom. For almost every purpose a fixed number of knights or other lawful men are summoned. When Richard puts forth a new and sterner ordinance of the forests, not only, as in his father's day, are bodies of knights appointed to carry out the new decree in all its strictness, but the ancient courts are summoned to listen to the King's will. This was in the last days of Richard, under the Justiciarship of Geoffrey. Under the earlier rule of the Archbishop the same principle is applied to better purposes. The summoned knights[1] are to appear in the great judicial *iter* in a character answering to that of a Grand Jury.[2] In the proclamation for the preservation of the peace they appear in a character out of which grew the Conservators, and the later Justices, of the Peace. And, more important still, when a body of chosen and sworn

Geoffrey Fitz-Peter Justiciar. 1198.

Juries of knights and others.

Origin of Justices of the Peace.

[1] On Richard's Forest Assize see R. Howden, iv. ci, 63; Stubbs, Const. Hist. i. 511. This new Assize refers as its standard of punishment to the laws of Henry the First, and the cruel punishments of his day come out more distinctly than they do in the Assize of Henry the Second. See above, p. 682. On the other hand see the legend in R. Wendover, iv. 235.

[2] R. Howden, iii. 262; Select Charters, 250; Const. Hist. i. 505; Preface to Roger, iv. lxxxvii, xcvii. The question of the force of the verb *eligere* is there discussed. It would seem that the knights were first named by the Sheriff, and afterwards chosen in the County Court. This marks a constitutional advance. But the new principle of representation comes in even in a nominated body.

knights are called on to assess the carucage to be levied on every shire, we see that the day is coming when the same representative body will be called on, not merely to assess an impost, but to vote it or to refuse it.[1] And, till the power of the purse should have fully come into the hands of the people, there were not wanting men in higher place who knew that it was part of the duty of the Witan of the land to judge of the needs of the realm, and to open or shut the national coffers at their discretion. Not for the first, not for the last time in our history, we find a man of foreign birth brought to our shores to play the part alike of saint and of patriot. As Thomas of London had withstood the demands of the father, Hugh of Avalon withstood the demands of the son. In a Great Council held in the old meeting-place of councils, in that borough of Oxford where men had confirmed the laws of Eadgar and of Cnut, the saint of Lincoln, grown into an Englishman on English ground, spoke up for the laws and rights of Englishmen, as Anselm had done before him and as Simon did after him. When Hubert, in the King's name, demanded English money to pay a military force for the King's foreign wars, he was met by the answer that the church of Lincoln and its pastor were bound to do faithful service to their lord the King within his realm, but that no men or money were they bound to contribute for undertakings beyond the sea. The opposition of the holy stranger was backed by a prelate of another class, Bishop Herbert of Salisbury, one of the old officials of King Henry. Their opposition was successful; one of the great principles of English parliamentary right was established by the holy man who, in his own words, had been brought from the simple life of a hermit to exercise the rule of a Bishop, and who had made it his duty in his new post to make himself master of all the laws

CH. XXVII.

Of Knights of the Shire.

Council at Oxford. December 7, 1197.

Saint Hugh withstands the King's demands of money.

[1] See Preface to Roger, iv. xciv.

CH. XXVII. and customs by which in his new office he would be bound.[1]

The reign of the absentee knight-errant was followed by a reign of quite another character, one which, as all the world knows, was the most marked of all epochs in the work of winning back the old laws of England, and making it plain to the world that the conquered had led captive their conquerors, and that all the men of England were once more Englishmen. One of the last acts of Richard which concerned his island kingdom was the removal of the Archbishop from his post of Justiciar, which the Pope and the monks of Christ Church had now found out to be inconsistent with his ecclesiastical duties.[2] His successor was Geoffrey Fitz-Peter, afterwards Earl of Essex, whose name, as well as that of Hubert, is memorable in the reign which is now coming. Richard died, characteristically enough, far away from England, from Normandy, and even from Anjou, in a petty quarrel which the Count of Poitiers had picked with the Viscount of Limoges. According to the fashion of the age, his body was divided among different parts of his dominions, but no share of the relics fell to the lot of England.[3] He died, after having, in one of his fits of generosity, forgiven the man who slew him, because he withstood him boldly to his face.[4] His last act, as concerned England and his other lands, was to

Hubert removed from the Justiciarship. 1198.

Death of Richard. April 8, 1199.

His bequest of the crown to John.

[1] Magna Vita S. Hugonis, 248; Gervase, X Scriptt. 1600; R. Howden, iv. 40; Preface, lxxxi. Soon after (Magna Vita, 255) Saint Hugh refuses to carry letters from Richard demanding an aid. The whole life of the saint is full of personal anecdotes of Henry, Richard, and John, which commonly bring out whatever was good in all three.

[2] R. Howden, iv. 48.

[3] Ib. iii. 16; iv. 84.

[4] Ib. iv. 83. The story is characteristic. He hangs the garrison, keeping back the actual slayer for a worse fate. Then he pardons him on account of his bold speech. On the various stories of the death of Richard, see Palgrave, Introduction to Rotuli Curiæ Regis, lxxiv–lxxx.

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bequeath them, so far as it lay in him to bequeath them, no longer to his nephew of Britanny, but to his brother of Mortain.[1] Here comes in an important point of English constitutional history, which is most commonly misconceived. In continental lands the new doctrines had grown so fast that, beyond the sea, Arthur was deemed to have a right by birth to the dominions of his uncle. Anjou admitted his claims, and the King of the French received his homage as Duke and Count of all the fiefs that Richard had held of the French Crown.[2] In England the rights of Arthur were unheard of, nor do they seem to have been much more thought of in Normandy. Earl John became Duke of the Normans and King of the English, without a voice being raised against him.[3] In England he was chosen and consecrated in ancient fashion;[4] and, if we may believe a writer of a somewhat later generation, the occasion of his crowning was taken advantage of to set forth some of the truest constitutional doctrines that ever English lips uttered or English ears listened to. It is said that Archbishop Hubert, before he poured the oil on the head of the Duke and King elect, declared that no man had a right by birth to the kingship of England, that her crown was the gift of the nation to bestow as it thought good, that the only limit to their freedom of choice was that, if the kingly house numbered among its members a man fit to be a King, it was right to give the crown of his fathers to him rather than to a stranger.[5] The candidate was accepted;

CH. XXVII.

Arthur acknowledged in Anjou.

Coronation of John. May 22, 1199.

Alleged speech of Archbishop Hubert.

[1] R. Howden, iv. 83. "Divisit Johanni fratri suo regnum Angliæ et omnes alias terras suas, et fecit fieri prædicto Johanni fidelitates ab illis qui aderant."

[2] Ib. 87, 94. We get a sight of Arthur in Magna Vita, 305.

[3] He is "rectus heres regis Ricardi fratris sui." The later notion of his being an usurper comes out in the Annals of Margam, 1199–1204, and in the royalist T. Wykes, 1208. Cf. vol. iii. p. 604.

[4] With the strange exception that he did not communicate at the mass. See Magna Vita, 293.

[5] See vol. i. p. 118. It should be remarked that this is the ecclesiastical election (see vol. iii. p. 623). The civil election has been already gone through

CH. XXVII. Lawfulness of John's accession.

John reigned by the same right as Harold. He reigned as the King had granted to him and as men chose him thereto. If John was, as he is vulgarly called, an usurper, so was the sainted Eadward, so was Eadred, so was Ælfred himself. All these Kings reigned to the exclusion of the son of an elder brother; only Ælfred and Eadred and Eadward were not troubled with dominions beyond the sea where new-fangled doctrines had taken root. Nor was Ælfred or Eadred or Eadward ever suspected of having made away with his nephew. Duke John of Normandy was chosen King, if our report says true, on account of his promise of kingly virtues; and it is well at this point to stop and remember that there had been a time when John had been the leader of Englishmen against their bitterest enemy. John then was no usurper; neither was he the fool and the coward which he has been so often called. It was well that it should be so. The freedom of England was more precious, because it was not from a fool or a coward, but from a man of courage and energy that it was won.[1] It was more precious still, because it was not won from a conqueror or an usurper or a King of any doubtful title. The English nation, in the exercise of one of its powers, gave its crown to a man whom it deemed worthy to wear it; when he showed himself unworthy of the gift, the same nation, in the exercise of another of its powers, rose up to teach the world the lesson, that those who gave a crown are mightier than him who receives it.

The reign of John is the time when the tendencies which had been at work during the reigns of his father and brother, we may say rather which had been at

in a council at Northampton. R. Howden, iv. 88. On the style of John, especially his intermediate title of "Dominus Angliæ," see Palgrave, Introduction to Rotuli Curiæ Regis, lxxx–xcvii.

[1] Green, Short History of the English People, p. 18. John appears as "strenuissime agens" in Ann. Wav. 1202; cf. 1206.

work from the time of Henry the First, became more than tendencies, and were fully carried out in the form of some of the greatest events of our history. Never in any age were private vices more truly public benefits. Under a better King, the formal confirmation of our national life and our national freedom might have been put off; under the worst of all our Kings, the course of things was hastened; the happy consummation came sooner, and it took a more definite form when it came. I say the worst of all our Kings; for Rufus himself does not stand charged with such an excess of personal tyranny as John. The deeds of John, the deeds of cruelty and mockery, the lingering deaths to which he loved to doom his victims, have no earlier parallel save in the crimes of Robert of Belesme and in the nineteen winters of the anarchy.[1] Indeed in the later days of John, when a King of England set himself deliberately to lay waste his kingdom at the head of foreign mercenaries, the days of anarchy came back again. Under such a King as this the freedom of England was won. The rule of the two great Henries and of the wise ministers of Richard had strengthened the royal power when the royal power was the one expression of the national life, the one security for peace and order. The proud barons of the Conquest had died out or had been humbled. The King was more powerful than any one man in his realm. A new nobility, a nobility which had risen by royal favour, had stept into their places, a nobility no doubt mainly of Norman descent, but who had risen to greatness on English ground, and whose whole position and feelings were English rather than Norman. Normandy was now but one part of the King's vast foreign dominion, a dominion which is distinctly marked as foreign in the great law

CH. XXVII.

Character of John; advantage to England of his crimes.

Strength of the royal power.

[1] Unless we accept one alleged case of death by hunger at the bidding of the chivalrous Richard. R. Coggeshale, 63.

CH. XXVII. which made Englishmen gird on their arms for the defence of England. All formal distinctions, legal or social, between Normans and Englishmen in England had passed away. If the earl was commonly of one blood and the churl of another, that was now merely the silent result of historical events more than a hundred years old. In working these great results, the strong power of the Crown had been the main agent. The will of the prince had the force of law, because the power of the prince was the only safeguard against unlaw. The work was so far done; the kingdom of England was built up again. And now the fear was lest the kingly power which had thus again built up the nation should be used against the nation. A righteous King, a King wielding the sword of the Henries in the spirit of Saint Lewis, might have done for us all the evil which the reign of Saint Lewis did for France. The rule of holiness and justice might have paved the way for the despotism of ages, and for that general crash alike of good and evil which follows when the despotism of ages is violently overthrown. We were spared all this, because our evil King came at the moment when an evil King was needed. In France the power of the Crown which had been built up by Philip was consecrated by the virtues of his grandson; of that came the evils of the old monarchy, the evils of the revolutions and tyrannies of our own age. In England the power of the Crown which had been built up by the Henries was made hateful by the crimes of John, and of those crimes came the Great Charter, the Provisions of Oxford, and the Petition of Right.

No outward distinction between the two races.

Despotism paves the way for freedom.

At the time of the election of John one thing only was needed to wipe out the last trace of distinction between Norman and Englishman in England. As long as one prince reigned in England and in Normandy, as long as many of his nobles held estates both in England and in Normandy, the Norman origin of the men who held

Necessity for the separation of Normandy.

the highest place in England could not wholly be forgotten. As long as this state of things lasted, the barons of England could not wholly forget that Normandy was the home of their fathers, that England was a land to which their fathers had come, many of them as actual conquerors, all as members of a conquering race. What was now needed was for Normandy to become a land altogether foreign and hostile. The first great crime of John did this great service for England; it severed England and Normandy. John, in that fitful exercise of higher qualities which marks his whole reign, crushed Arthur and his followers at Mirabel,[1] and made himself lord of all his father's lands beyond the sea. By the secret murder of his captive nephew—for, when a captive prince vanishes so opportunely, we may assume his secret murder[2]—he lost those parts of his lands beyond the sea which it was for the interest of England that he should lose. The French King cunningly devised for himself a jurisprudence out of the romances of Charlemagne;[3] and by its help he professed to deprive his guilty vassal of all his lands which owed homage to the Crown of France. Continental Normandy was won by France with a speed and an ease which seems amazing;

CH. XXVII.

Overthrow and fate of Arthur. 1202.

Forfeiture and conquest of Normandy. 1203–1204.

[1] R. Wendover, iii. 168. The siege was "virtute Anglorum laudabili in brevi finitus." The writer distinctly looks on it as an English victory over the "Francigenæ, Pictavienses, et Andegavenses." We have John's own account in R. Coggeshale, 137.

[2] See R. Wendover, iii. 170, and compare the additions of Matthew Paris. R. Coggeshale (139, 145) and the Lanercost Chronicler (1201, 1202, 1213) know much more about the matter. In Lewis' pleadings at Rome (R. Wendover, iii. 373) John is said to have killed Arthur "propriis manibus, per proditionem, pessimo mortis genere, quod Angli murdrum appellant."

[3] On the new-fangled jurisdiction of the twelve peers, seemingly devised by Philip for the nonce, see Sismondi, Histoire des Français, iii. 489. That Philip had the Charlemagne stories in his head appears from Giraldus, De Inst. Princ. 147. See R. Wendover, u.s., and the addition in Matthew Paris, Hist. Maj. ii. 658.

CH. XXVII. the islands only remained to the island King.[1] But two things must be borne in mind. John was no national Norman Duke. The French King was indeed a stranger, but he was not more of a stranger than the Duke who might pass for either Angevin or English. Again, Normandy itself was no longer the land of the early Dukes.[2] The Conquest of England had taken away its strength, and had carried its best blood into another land. Normandy had ceased to be one of the powers of the earth, and it was no greater hardship to receive orders from Paris than to receive them from Westminster or Poitiers. As far as England was concerned, the last tie was snapped which bound the Normans in England—let us now rather call them Englishmen of Norman descent—to the native land of their forefathers. That land now became a foreign land. They had to choose between England and Normandy, and they chose England.[3] But it was not enough that Normandy should become a foreign land; it was well, for a time at least, that it should become a hostile land. Normandy was lost, but the whole of the King's continental dominions was not lost with it. The inheritance of William, the inheritance of Henry, passed away; but a large part of the inheritance of Eleanor remained. John kept those parts of his Gaulish lands which stood in no relation to England, those whose people could not say either that they had conquered Englishmen or that Englishmen had conquered them. That the King of England should also be Duke of Normandy was in some sort dangerous to the national growth of England. That the King of England should be also Duke of Aquitaine had no danger of this kind; it simply gave England

Retention of Aquitaine as an English dependency.

[1] Yet some of the Normans had presently reasons to complain of French tyranny. R. Coggeshale, 152.

[2] See Giraldus, De Inst. Princ. 14.

[3] See Stubbs, Select Charters, 261; Const. Hist. i. 518; Chron. S. Albini, 1203.

a great and distant dependency. But, in so doing, it insured the continuance of that enmity with France which had passed from the Norman Dukes to the English Kings. England went on warring with France for the sake of Aquitaine, now that Normandy had become French and the Norman had become an enemy. To the Englishman whose forefather had lifted his lance for William, Normandy was now as much the land of the stranger as it was to the Englishman who had wielded his axe for Harold. The loss of Normandy by John was the formal undoing of the Conquest; it was the formal naturalization of the disguised kinsmen who now cast away the Romance garb which they had put on in Gaul, and came back to the older heritage which the man of Bayeux shared with the man of Winchester, the man of Coutances with the man of Lincoln. When Richard's Château-Gaillard bowed to Philip, all the men of England became Englishmen. And yet it is not without a sigh that we see that noble duchy, the mother of heroes, the land which had sent forth the conquerors of England and the conquerors of Sicily, with her seven cities, her strong castles and her stately minsters, her people whom we still feel at a glance to be Teutonic brethren in the Roman land, pass away, almost without a struggle, under the yoke of the kingdom whose Kings had fled before Duke William at Varaville and before King Henry at Noyon.

CH. XXVII.

Normandy now foreign to all Englishmen.

The separation of Normandy the formal undoing of the Conquest.

The loss of Normandy thus once more called into being an united English nation. It was well at such a moment that England had a King whose reign was one long series of wrongs and insults done to the English nation. As soon as Norman and Englishman became one, they were bound yet more closely together by the presence of new swarms of foreigners in the land. The counsellors and soldiers of John were neither Norman nor English. If by any

Fusion of races strengthened by John's love of foreigners.

CH. XXVII. chance any of them came from the lost Norman land, their Norman origin now stamps them as strangers equally with the Flemings and the Brabançons whom John brought over to lay waste his own kingdom.[1] Archbishop Hubert had stooped—for men then deemed that for an Archbishop it was stooping—to become the Chancellor of the King.[2] As long as he lived, as long even as Earl Geoffrey of Essex lived, John was still under some little restraint, as Rufus had been while Lanfranc lived.[3] No higher tribute was ever paid by a bad King to a virtuous minister than when, on the death of Geoffrey, John cried out in joy, Now indeed I am King over England.[4] Now began that invasion of Queens and ministers and favourites from the southern lands which led to such mighty changes in this reign and in the next. John had put away his English wife, the heiress of the great Earl who had been his father's guardian, to marry the daughter of one of his southern vassals, the betrothed bride of another. His father's southern marriage had brought him a mighty duchy; but, when John exchanged Hadwisa of Gloucester for Isabel of Angoulême, he won for himself nothing but hatred alike at Gloucester and in La Marche, and he planted a root of bitterness which was to bear abundance of fruit in the days of his son. Presently

Death of Archbishop Hubert, 1205; of Geoffrey Fitz-Peter, 1212.

John's divorce and second marriage. 1200.

[1] The doings of the Brabançons and others come out in all our chronicles, specially in Ann. Wav. 1215, where we read of "alienigenæ barbari;" and directly afterwards the famous Faukes of Breauté is described as "Faukes quidam furiosus, genere Normannus." R. Coggeshale, 173, says expressly "Angligenas omnes a curia sua fugavit." But the feeling comes out more strongly of all in the poem inserted in the Melrose and Lanercost Chronicles, 1215; and in the prose narrative which directly follows we read how John took the counsel of a nameless Achitophel "ut totam Anglorum progeniem funditus ab Angliâ eradicaret et barbaris nationibus terram perpetuam possidendam donaret." They are "barbari" again in the Dunstable Annals, 1214. Cf. also Matthew Paris, Hist. Maj. ii. 611, 612. [2] See above, p. 662. [3] See above, p. 81.

[4] M. Paris, Hist. Maj. ii. 558. Cf. R. Wendover, iii. 183. On Geoffrey, see Stubbs, Const. Hist. i. 523.

the Queen from the south is followed by a minister from the south. First the see of Winchester, then the chancellorship, then, on the death of Geoffrey Fitz-Peter, the justiciarship, were bestowed on the Poitevin Peter des Roches, as though England was to be ruled by the women and men of her dependency. At last came the final struggle. The dispute about the archbishoprick, the interdict, the reckless and insolent tyranny of the King, left him utterly friendless when the last bolt was hurled, when a foreign priest dared to declare the King of England deposed from his kingdom. Then stood out the weak side of the ecclesiastical policy of the Conqueror.[1] William and Lanfranc could grapple even with Hildebrand; John could not grapple with Innocent; and the Lanfranc of his day had been driven to the side of his enemies. In his last despair, the King who wore the crown of Cerdic and William stooped to become the man of the Roman Pontiff in his own island, as his brother had become the man of the Roman Cæsar in his foreign bondage. In both cases doubtless the homage was meant to be little more than that homage which in those days men, when they found themselves in any strait, so lightly pledged and so lightly cast aside. John perhaps simply clutched at the chance of help from the spiritual chief of Western Christendom, as he is said to have clutched, in a yet wilder fit of despair, at the chance of help from the spiritual chief of Western Islam.[2] But from the moment of John's homage to Innocent begins that spirit of determined resistance to the encroachments of the Roman See which marks all English history from that day to this. Of that day came the glowing denunciations of Robert Grosseteste and Matthew Paris; of that day came the statute of

CH. XXVII.

Peter des Roches, Bishop of Winchester 1205–1238, Chancellor 1213, Justiciar 1214.

The dispute with Innocent. 1207–1212.

Homage of John to Innocent. 1213.

English resistance to Rome.

[1] See vol. iv. p. 439.

[2] See the story of John's embassy to the Almohade Commander of the Faithful in Matthew Paris, ii. 559.

CH. XXVII. Provisors and the statute of Præmunire, and those greater statutes still by which the whole fabric of Roman usurpation was swept away. Englishmen had once hardly borne to see the Patriarch of the island Empire displaced in his own church by the Legate of his Roman brother;[1] they had now to see their King kneel at the feet, not of the Pontiff, not even of his Legate, but of the simple subdeacon Pandolf. Then they saw the King who had sunk to this depth of baseness in his own land cross the sea in one of his fits of energy, and appear as a conqueror in Poitou and in the lesser Britain.[2] Perhaps they had hardly time to give much thought to that day of darkness and sorrow for every man of Teutonic speech, when three branches of the Teutonic race, the German, the Fleming, and the Englishman, sank before the arms of men of the hostile blood and speech.[3] Yet whether in defeat or in victory, whether at Bouvines or at Waterloo, it is something to see the men of the three kindred lands joined by a faithful bond against the common enemy. But in the records of that reign foreign defeats and foreign victories alike seem a strange and incongruous episode. A greater fight was to be fought within the four seas of Britain than any that could be fought in Ponthieu or in Poitou. The time was come for the people of England, with their new-made countrymen in their front rank, to arise in their strength to wage a sterner warfare than that of Bouvines with the King who had sunk to be the man of a foreign Bishop.

John's successes on the Continent. 1214.

Battle of Bouvines. 1214.

We have seen that there are cycles in history, and that

[1] See above, p. 236.

[2] See R. Wendover, iii. 279; Walter of Coventry, ii. 215. See the comments of Walter, ii. 203, on John's success against Wales, Scotland, and Ireland; and compare Chron. Lanercost, 1210, 1211.

[3] For the details of the battle and the exploits of the almost English Emperor, see R. Wendover, iii. 287–291. Some of his phrases seem almost

the greatest of men sometimes outwit themselves. I have already said that, when William called on Alexander to judge between him and Harold, he paved the way for the day when John should receive his crown as the man of Innocent.[1] But it was not till William had long been in his grave at Caen that men saw what had come of that special weakness of the strongest minds, the forgetfulness that those who come after them will not be as themselves. And now, by a strange retribution, Innocent outwitted himself, and saw the result of his deed with his own eyes. Like the spear of Achilleus, the same hand which dealt the blow unwittingly did the work of healing. By a gross breach of the rights of the church of Canterbury, of the English King, and of the English nation, Innocent forced on the English Church a Primate of his own choosing. But the Primate whom he forced on us was Stephen Langton. Through that choice England received her leader from the hands of her enemy; she received the first of that long line of patriotic churchmen who were to bridle the pride of Popes and Kings alike. The interdict, the tyranny, the deposition, the homage, follow in order. A King who seldom went forth to battle without victory found that at his bidding the national force of England would not stir, that the threatened name of *niðing* had lost its force, and that even against a French invasion no sword would be drawn for him.[2] It was not till John had become the

CH. XXVII. Effects of the action of Innocent.

Primacy of Stephen Langton. 1207–1228.

The English refuse to fight for John. 1213.

to have come from Senlac. For the French version see the eleventh book of the Philippis.

[1] See vol. iii. p. 286.

[2] See R. Wendover, iii. 245; Walter of Coventry, ii. 209, 211. The summons "sub nomine culvertagii et perpetuæ servitutis" is clearly the same as the *niðing* summons of the days of Rufus; see above, p. 77. The summons is a comment on the Assize of Arms. It is addressed to the "comites, barones, milites, et omnes liberi homines et servientes, vel quicumque sint et de quocumque teneant, qui arma habere debent vel arma habere possint et qui homagium nobis vel ligantiam fecerunt;" and it is added, "qui terram non habent et arma habere possint illuc veniant ad capiendum solidatas nostras." A vast multitude comes together. The "multitudo copiosa ex inermi vulgo" are sent back; the "milites, servientes, et liberi homines cum

CH. XXVII. Return of the Archbishop. 1213.

man of the Pope that Stephen and the other banished Bishops come back to England;[1] and, when Stephen lands, the great events of our constitutional history press fast upon us. At the feet of the subdeacon of the Pope of Rome, John had sworn to be faithful to a foreign power; at the feet of the Pope of his own island world, he swore to be faithful to himself and his own kingdom. The laws of King Eadward are renewed. On the morrow, as it were by a conscious transition from the old form of freedom to the new, one of the greatest steps is taken in the developement of our national Council in its later form. Four lawful men of every shire are summoned to share in the King's deep speech touching the affairs of his kingdom, to form, in short, the first representative Parliament.[2] By the patriot Archbishop and the patriot Justiciar the laws of King Henry are again renewed, and, when the tyrant flies to arms, he hears from his spiritual yoke-fellow the constitutional doctrine that, without the judgement of his Court—that Court which the law of England held to be greater than the King—he might make war on no man.[3] In

John's promises to Stephen.

balistariis et sagittariis" are kept to the correct number of sixty thousand (cf. vol. iii. p. 387, iv. p. 694, and above, p. 197), "quibus, si erga regem Angliæ et defensionem patriæ cor unum esset et anima una, non fuisset princeps sub cœlo contra quem regnum Angliæ non defenderent." In this account we get an unusual distinction between "milites" and "equites." Cf. vol. iv. p. 199.

[1] It is of some importance to mark that the deposition which was pronounced by Stephen and his fellow Bishops in 1213 was pronounced, not in England but in France (R. Wendover, iii. 243). It is not till after John's homage (iii. 260) that they came to England. The assertion that the barons or clergy or people of England in any way consented to the papal deposition could be risked in 1875; in 1213 it would have seemed as strange as the dogma of papal infallibility itself.

[2] At the absolution given by Stephen, John swears (R. Wend. iii. 260) "quod bonas leges antecessorum suorum et præcipue leges Eadwardi regis revocaret et iniquas destrueret." Then follow the letters sent to the Sheriffs to summon the reeves and the lawful men to Saint Alban's. Later in the year comes the summons for four discreet men of each shire to meet at Oxford. See Stubbs, Select Charters, 278; Const. Hist. i. 526, 528.

[3] R. Wend., iii. 262, 263. Stephen tells the King that he will be perjured "si absque judicio curiæ suæ contra quempiam bellum faceret."

the memorable Council at Saint Paul's, a true Parliament of the realm though no King presided in it,[1] the Primate reads the charter of Henry to the assembled barons; they swear that they will maintain the liberties which it contains even unto death. John meanwhile renews his homage to a papal Legate, the Legate whom the Primate withstands in the cause of the rights of his church and the laws of the kingdom.[2] Presently the King for whom no man would draw a sword in England sets forth on his episode of conquest beyond the sea. Meanwhile, if the King of England was reminding the world that he was also Duke and Count on Gaulish soil, the Barons of England, of whatever race they sprang, were showing that their hearts at least were truly English. Now, for the first time since the beheading of Waltheof, could England boast that she had nobles of one heart with her people. To have been the oppressor of his nobles had been among the glories of Henry; it was among the deepest crimes of his son. In earlier reigns King and commons had been ranged against the nobles; now nobles and commons are ranged against the King.[3] The Barons of England are now Englishmen. In the chronicles of the time there is no sign of any distinction among men born in the land; all alike bear the English name; all alike go forth with English hearts to the struggle against the stranger. Before the shrine of the royal martyr of East-Anglia, that Saint Eadmund who had smitten down Swegen and whom Cnut had loved to honour, that Saint Eadmund a reverence for whom had been the one English feeling in the soul of the foreign-hearted Richard,[4] the Barons swore

CH. XXVII. Council at Saint Paul's. 1213.

The Barons at Saint Edmunds-bury. 1214.

[1] R. Wend. iii. 263. "Convenerunt in civitate Londoniarum apud Sanctum Paulum Stephanus Cantuariensis archiepiscopus cum episcopis, abbatibus, prioribus, decanis et baronibus regni." The meeting is called a "colloquium," a word equivalent to Parliament. [2] See R. Wendover, iii. 278.

[3] This comes out strongly in William of Armorica (Duchêsne, v. 88).

[4] R. Coggeshale, 63, 97; Benedict, ii. 164.

CH. XXVII. to win back the old freedom—if need be by force of arms—from the King who denied it. The names of lawgivers, real and mythical, Norman and English, were mingled in their mouths, as if to put the fact of the union of races into a formal shape. The laws for which they were ready to draw the sword were the laws of the English King who had dwelled so long on Norman ground, the laws of the King who first among Kings of Norman blood had been born an English Ætheling.[1] For the laws of Eadward and the laws of Henry the Barons of the North rose, as the men of the same land had risen in the days of Tostig for the laws of Cnut.[2] But the Barons of the North were but the foremost; the Barons of the whole realm and the citizens of London, Barons in their own city, were soon arrayed against the King. In language which seems to forestall the doctrine of a later age that it was high treason for a King of England to levy war upon his Parliament, John was described as a perjured King in rebellion against his Barons.[3] As on the day of the return of Godwine, the King and the nation met face to face, and from that day the laws of Eadward and the laws of Henry were heard of no more. All and more than all that those ancient laws could give was made

The Great Charter. 1215.

[1] In the assembly of Saint Alban's (R. Wend. iii. 262), after John's oath to restore the laws of Eadward, the order taken is, "quatenus leges Henrici avi sui ab omnibus in regno custodirentur et omnes leges iniquæ penitus enerventur." So in the Archbishop's speech at Saint Paul's (iii. 263), in the oath of the Barons at Saint Edmundsbury (iii. 293), and in the discussions immediately before the signature of the Great Charter (iii. 296–299), the laws of Eadward and of Henry regularly go together.

[2] See vol. ii. p. 499. The special action of the northern Barons, "Aquilonares," "Norenses," comes out strongly in Walter of Coventry and in the Annals of Dunstable, nor is it now forgotten by their countryman. Const. Hist. i. 525, 540.

[3] R. Wend. iii. 300. "Barones . . . miserunt literas . . . exhortantes . . . ut . . . regem perjurum *ac baronibus rebellem* relinquentes simul cum eis pro libertatibus et pace regni immobiles starent et efficaciter decertarent."

fast for ever as the birthright of every Englishman in the sixty-three clauses of the Great Charter. CH. XXVII.

What the Great Charter was in its bearings alike upon the past and upon the future, Englishmen have been taught in the pithy words of the constitutional historian of their country.[1] It is the first great act of the English nation after the descendants of Norman conquerors and Norman settlers had fully become Englishmen, after all thought of any distinction between the King's men, French and English, had passed away from the thoughts of men. In form it is the charter of the King; it is in truth the record of the liberties which the nation wrung from the King. But it decrees nothing new. It gives new securities for the better observance of old rights; but it gives no new rights where no new rights were needed. As a document meant at once to redress the evils of the moment and to provide against the fresh appearance of those evils at any later time, it contains provisions which are momentary and provisions which are eternal. It provides for the restoration of peace on the morrow, and it lays down rules by which peace may be kept for ever. But, as becomes a charter of Englishmen, even the most general principles are asserted in a practical shape. In the Great Charter there is not a word of abstract theory. It throws its shield over the rights of every Englishman from the noble to the villain, but it has

Character of the Great Charter, the first act of the restored English nation.

Its practical character.

[1] Stubbs, Const. Hist. i. 532; "The Great Charter is the first great public act of the nation, after it has realized its own identity: the consummation of the work for which unconsciously kings, prelates, and lawyers have been labouring for a century. There is not a word in it that recalls the distinctions of race and blood, or that maintains the differences of English and Norman law." Ib. 543; "The Great Charter is the act of the united nation, the church, the barons, and the commons, for the first time thoroughly at one. It is in form only the act of the king: in substance and in historical position it is the first effort of a corporate life that has reached full consciousness, resolved to act for itself and able to carry out the resolution."

CH. XXVII. not a word about any abstract rights of man. The provisions which have the widest scope take the form of distinct promises to do or to forbear from doing certain definite acts. We—King John in his own person and in the persons of his successors—will not sell, will not deny, will not delay, right or justice to any man. There is something specially English in putting forth great principles in a form so purely practical, and in coupling them with provisions purely momentary, with promises to disband the foreign mercenaries and to deprive of their offices a list of obnoxious persons some of whom are otherwise unknown.[1] But, if it is an English spirit which speaks in the decree for the dismissal of the foreigners, it is no less an English spirit which provides for the rights of every Englishman according to his rank, baron, clerk, knight, citizen, freeman, or villain. It is a charter which is won by Bishops and Barons; but it is a charter by which every lord binds himself to do to his man as he binds his own lord to do to him.[2] It is a charter which protects those who stood outside the pale of feudal relations, and even those who might have seemed to stand outside of the pale of the law itself. A crowd of provisions provide for the redress of feudal abuses and for the redress of the yet worse abuses of the forests, for the administration of justice according to the pattern which had grown up under the King's father, for the lessening of the powers of the royal officers, for the strengthening of the popular and the elective element in the judicial system. All these do but put into legal shape those new forms into which the old liberties of England were gradually changing, while the strictly constitutional clauses do the same work

Protection given by it to all classes.

[1] Clause 50. See the remarks of Mr. Luard, Preface to Matthew Paris, ii. xxxv.

[2] Clause 60. See Stubbs, Preface to Walter of Coventry, ii. lxxii.

in a way no less clear and vigorous within their own range. The name of Witenagemót has ceased; the name of Parliament is not yet heard;[1] but the thing which is described by both those names is there in all its fulness by the name of the Common Council of the Kingdom. There, for the first time, the elements of which the national assembly was composed, and the way in which it was to be brought together, are definitely set forth in a legal shape. The distinction between the Witan and the land-sitting men, between Lords and Commons, between those who are summoned in their own persons and those whose summons was general, now stands out clearly in our law. Archbishops, Bishops, Abbots, Earls, and greater Barons are to have their personal summons. The rest of the King's tenants-in-chief are to be summoned in a body by the Sheriff.[2] And the necessary doctrine is laid down in so many words, that those who stay away shall be bound by the acts of those who come. When such a principle as this is laid down, we are on the high road to direct representation. When those who stayed away were bound by the acts of those who came, it was the simplest of all changes for those who chose to stay away to depute some of those who chose to go to act in their names. Let this custom be stiffened into the shape of a formal law, and we at once have parliamentary representation; the knight of the shire is already called into being. And mark another step of advance backwards which is involved in this last. The assembly is so far feudalized that the rights of the simple freeman are forgotten; the summons, even the general summons by the Sheriff, extends only to the King's tenants-in-chief. Now there can be no doubt that the Kings tenants-in-chief were a much larger body, and

CH. XXVII. Constitutional clauses of the Charter; advance of parliamentary representation.

[1] At least not in Latin or English; it was already in common use in French.

[2] Clause 14. See above, p. 409, and Stubbs, Const. Hist. i. 534.

CH. XXVII. took in men of much smaller estates, than we might at first sight be inclined to think; still they did not take in the whole body of freemen, not even the whole body of men holding land by a free tenure. But, as soon as the election of definite representatives was fully established, as those representatives could be nowhere chosen but in the ancient county court,[1] every freeholder at least, if not every freeman, won back his right, till a backsliding Parliament of the dark days of Henry the Sixth took it from him in the interest of oligarchy. Three of the elements of our parliamentary constitution, Lords Spiritual, Lords Temporal, and Knights of the shire, are thus fully established by the Great Charter. Another struggle was still needed to place the representatives of the growing towns of England by their side.

The Three Estates.

Powers of Parliament.

Power of the purse.

For the assembly—we may venture to call it the Parliament—thus constituted full parliamentary rights are claimed. Save in the case of those three feudal aids which might seem to have stepped into the place of the *trinoda necessitas* of earlier times, not a penny of the subject's money was to be taken by the sovereign without the consent of the national Council thus brought together. Here was in truth nothing but the old law; yet, when the law was thus set down in black and white, the claim seems to have been startling. It may be that Archbishop Stephen had taken a step further than his age was prepared to follow him. In the later confirmations of the Charter, these clauses, which seem to us the kernel of the whole matter, were left out; they seemed more than the nation could dare to ask or the King bring himself to grant; the right of exclusive parliamentary taxation had still to be struggled for through more than two generations. Yet hardly less memorable than these provisions which turned out to be temporary are some of

Omission of the constitutional clauses in the confirmation.

[1] On election by the County Court, see Stubbs, Const. Hist. ii. 225.

those which were temporary in their own nature. Greatest among the clauses of the Great Charter is that which asserts in legal form the legal right of Englishmen to withstand oppression. The perjured King who had rebelled against his Barons might again show himself perjured and rebellious. If he fell away and broke the promises which he now made, he was to be withstood in arms in the name of the powers which Englishmen held to be greater than the King, in the name of God, the Law, and the Great Council.[1] If the King was faithless to his word, twenty-five of his Barons were to bring him to reason by force, if reason failed them. And among those twenty-five stands one name which shows the strides which municipal as well as national freedom is making. By two clauses in the Charter, London and all the cities, boroughs, and ports of the realm are confirmed in all their rights and liberties.[2] And among the twenty-five chosen from among the ranks of the baronage stands, next after men bearing the famous names of Bigod and Mowbray, the Mayor of London city. If England had gone back to the days of Eadward, London had more than gone back to the days of Leofstan.[3] But if the chief magistrate of the great city thus took his place among Earls and men of ancient houses, it was because Earls, Barons, and Mayor were now but the chiefs of an united nation. When the Barons went forth to do justice on a perjured King, they were to go forth at the head of those of whom they were but the chief representatives. They were to distrain upon the King, to seize his lands and castles, with the help of the commons of the whole realm.[4] We seem to have come

CH. XXVII.

Right of resistance asserted.

Advance of municipal rights; position of the Mayor of London.

[1] I need hardly quote again the famous words of Bracton which I took as one of the mottoes for my Growth of the English Constitution.

[2] Clauses 12, 13.

[3] See above, p. 469.

[4] Clause 61. "Illi viginti quinque barones cum communa totius terræ distringent et gravabunt nos modis omnibus quibus poterunt."

CH. XXVII. back to the days when Godwine made his defence before the King and all the people of the land, to the earlier days when churls as well as earls gave their assent in loving form to the laws of Glorious Æthelstan.[1]

We might here bring our tale to an end. With the signing of the Great Charter the immediate political results of the Norman Conquest were wiped out. The kingdom to which that charter was granted was again an English kingdom. But it will be better still to carry our view, however slightly, over the two generations which followed, because in them the work of transition, the work of fusion, was still going on. We may look on the union of the two races as formally accomplished by the Great Charter.[2] But the Great Charter itself still left something to be done. It was not till the later years of the century that the newer form of English freedom was brought into its perfect shape, till all for which men had so long been struggling was finally won, and nothing was left to after ages but to develope and to improve in detail. And it forms part of the immediate history of the Great Charter that the right of resistance which that Charter established by law was not doomed to remain a dead letter. The Charter was hardly sealed when the perjured King again rebelled against his Barons. He sent to complain to his lord at Rome that laws and liberties which took away the dignity of his Crown had been wrested from him. The lord took part with his man. The Bishop of Rome took on him to annul the liberties of England, to call them by those foul names in which papal rhetoric has ever been so rich, to denounce suspension against the patriot Primate and excommunication against the Barons whom

Later struggles.

Last days of John; his rebellion. 1215.

The Charter annulled, and the Barons excommunicated by Innocent.

[1] See vol. i. p. 108.

[2] Stubbs, Preface to Walter of Coventry, ii. lxxvi; "The sentence of Runnymede reversed the sentence of Hastings."

he led.[1] Then came the moment of utter blackness and despair, when a worse fate than the anarchy of seventy years earlier seemed to be in store. The rebel King, at the head of his foreign mercenaries, was laying waste his own kingdom, taking castle after castle, and showing that his brute force was for the moment stronger than the liberties which he had just granted. In utter despair the Barons sought for a new King, and they sought for him beyond the sea. They sent for Lewis of France to deliver them from John and to wear the crown of England in his stead.[2] In that day such an act did not bear the character which it would have borne in any later age. Both to Norman and to English feeling it was, as I have already said, only changing one stranger for another. John could no longer be borne. There was no one in the land, no Stephen, no Henry of Bolingbroke, no Richard of York, to take his place.[3] For one moment at an earlier time the thoughts of men had turned towards the elder Simon.[4] But he was now far away in the southern land, and Simon was neither an Englishman by birth nor a man sprung of kingly blood. If they chose an Englishman, they must choose one from among their equals, to whom obedience would be hard. If they chose one born of

CH. XXVII.

Election of Lewis. 1216.

[1] See R. Wendover, iii. 322–329, 336–338, 340. John's ambassadors speak of the liberties of England as "quasdam leges et libertates iniquas, quas dignitatem regiam nulli decuit confirmare." Innocent is naturally fiercer, and he calls the Charter "compositio vilis et turpis, verum etiam illicita et iniqua et merito ab omnibus reprobanda" (326, 328). History will hardly stop to discuss the trifling cavil whether Innocent pretended to annul our liberties because he disliked the liberties themselves, or only because he disliked the way in which they were won. It is enough that a Bishop of Rome took on him to annul the laws of England on any ground.

[2] The election of Lewis comes out most strongly in R. Wendover, iii. 359, and Walter of Coventry, ii. 224, 225, where it is laid down that the election of a King, or rather Lord—the word is "dominus" (see above, p. 698)—"ex communi consensu totius regni fieri oportuit."

[3] See Stubbs, Preface to Walter of Coventry, ii. xxxii, xxxiii.

[4] Ann. Dunst. 1210.

CH. XXVII. any kingly line, they had to seek for him in other lands. It may even have been that the contrast between the reign of John and the later days of Richard may have led to the thought that a King beyond the sea was better than a King in their own island. They chose then a King of a kingly house, of a house whose princes had won general admiration and attachment beyond their own realm,[1] a house whose Kings, some went so far as to say, were truly Kings, while the lords of the Norman and Angevin stock were only tyrants.[2] They chose a prince whose children at least, if not himself, would come of the old stock by the spindle-side, the husband of a grand-daughter of Henry, Blanche of Castile.[3] The Saxon Emperor, nearer in every way to England than the French prince, had sunk out of notice before the advance of the younger Frederick, and Otto's ties to his uncle were perhaps too close for any man to think of him as the King who could be set up in his stead. Lewis of France then was chosen. The step was perhaps unavoidable, but it was soon seen how false a step it was. Yet even this false step had its share also in the work of kindling again the nationality of England. Lewis soon showed that to choose a French prince to rule over England was in truth to invite a French conquest of England. It soon began to be whispered that, if

Claims of Lewis.

[1] For the general estimation of the French Kings at this time, especially as contrasted with the Normans and Angevins, see Giraldus, De Inst. Princip. 155, 156 (where he distinctly prays for French rule in England), 194, 200. Cf. Walter Map, 212.

[2] The abuse of the Norman tyrants by Giraldus, 155, 156, reaches its climax at the end (178), where John, "catulus tyrannicus, cruentissimis a tyrannis parentaliter exortus, ipseque tyrannorum omnium tyrannissimus," is contrasted with Lewis the "felicium et naturalium felix prosapia regum."

[3] See the dispute at Rome about the claims of Lewis, R. Wendover, iii. 371–378, where there is a most subtle argument to show that Blanche had a better claim than Otto.

Lewis reigned, the lands of England would be again parted out among Frenchmen, as they had once been parted out among Normans.[1] At such a moment it was hard to say whether the domestic tyrant or the foreign deliverer was the more dangerous enemy. But in those days every good work and every evil work all helped together in the common cause. The death of John cut the knot. His young son was guiltless of his crimes, and strange as the reign of a minor was in England, English feeling soon gathered round the one representative of the old stock in opposition to his French rival. Men went forth to fight at the Fair of Lincoln as to a holy war, to save England from the dominion of the stranger.[2] It was a newly awakened burst of national feeling which placed Henry the Third on the throne, and every event of his long and weary reign tended to draw out that national feeling in more definite shapes, and to draw all the sons of the soil, of whatever race and whatever rank, close together in one body as fellow-workers in the great strife against Pope and King.

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Revulsion of English feeling against Lewis.

Death of John. 1216.

Battle of Lincoln. 1217.

Effects of the reign of Henry the Third. 1216–1272.

The fifty years that follow the death of John form one long time of struggle against foreign dominion and foreign influence in various shapes.[3] First came a time which

Dominion of the Legates.

[1] R. Wendover, iii. 383, 384; R. Coggeshale, 179.

[2] Ann. Wav. 1217. Cf. T. Wykes, 1217.

[3] It will be at once seen that I do not attempt to give even the shortest narrative, strictly so called, of the reign of Henry the Third; so to do forms no part of my subject. I am concerned with that reign only so far as its leading events helped to get rid of any slight traces which still remained of the distinction between Normans and English in England. This reign is the great period of the monastic annalists. We lose the statesmen-historians of the reign of Henry the Second, but we get instead our great patriotic writer Matthew Paris. His general authority, which has been sometimes attacked by those to whom his plainness of speech was inconvenient, and the relation in which he stands to earlier writers, have been set forth by Professor Stubbs in a weighty judgement in the Preface to Walter of Coventry, ii. lxxxi. Since I began writing this Chapter, the second volume of the Professor's own Constitutional History has appeared, in which we may now study the story

CH. XXVII. came nearer than any other in English history to a time of actual foreign dominion. The homage which John had done to Innocent was not allowed to sleep. What specially marks the first years of Henry is the position held by the papal Legates, first by Walo and then by Pandolf. England was dealt with as a vassal land, and something more. No King of the French had ever dreamed of keeping Normandy, no King of the English had ever dreamed of keeping Scotland, in the tutelage in which Honorius the Third strove to keep England.[1] The Great Charter was renewed; but it was shorn of some of its greatest clauses,[2] and others not less important at the time were trampled under foot. Men whom the Charter had denounced by name still remained in office, and no man who had had any share in withstanding the late tyranny had any chance of royal or legatine favour. Some folded their hands in silence; others withdrew to the Holy Wars while the yoke of France was exchanged for the yoke of Rome. Yet even then we were not without hope; even

Walo, Legate 1215–1217.

Pandolf, Legate 1217–1221, [Bishop of Norwich 1222–1226].

First confirmation of the Charter. 1216.

of constitutional progress under Henry the Third and Edward the First in the clearest light and with the surest guidance. For the early part of the reign of Henry we have also the collection of Royal and Historical Letters with Dr. Shirley's Preface, and for the career of Simon we have his monograph by Dr. Pauli.

[1] See Dr. Shirley's Preface to the Royal and Historical Letters, especially pp. xviii, xx. The impudence of some of Pandolf's letters is almost beyond belief. See for instance one to Hubert of Burgh in p. 111 of Dr. Shirley's collection. But the great Regent Earl of Pembroke perhaps stands out more clearly in Stubbs, Const. Hist. ii. 28.

[2] See Stubbs, Const. Hist. ii. 21, 22, 26, and the text in Select Charters, 329. On the confirmation in 1225 see Const. Hist. ii. 37. In the narrative in the Dunstable Annals (Ann. Mon. iii. 93) we read, "Post multas vero sententiarum revolutiones, communiter placuit, quod rex *tam populo quam plebi* libertates prius ab eo puero concessas, jam major factus indulsit." Where could the monk of Dunstable have heard about "populus" and "plebs," and what distinction did he draw between them? Did he simply echo Livy in the same parrot-like way in which Livy echoed some early Roman record? It is hardly conceivable that he can really have meant Lords and Commons, as the Burton annalist (1255, Ann. Mon. i. 360) probably did when he spoke of "major et minor populus."

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then patriotic feeling was not wholly on one side. A few honest men had with desperate loyalty stood by John to the last, and these men now stood as a barrier between the English nation and the strangers. The King's first guardian, William Marshal, the great Earl of Pembroke, did what could be done at such a moment. So after him did Hubert of Burgh, sometimes placed in strange partnership, sometimes in rivalry, with the Poitevin Bishop of Winchester, sometimes the guardian, sometimes the minister, sometimes the victim, of Henry, but in all characters doing all that a man could do in such a case both for the King and for his people. And, greater than all, the Primate whom Innocent had given us again stands forth as the champion of freedom, and, in defiance of courtly opposition, wins another confirmation of the Charter.[1] But strangers still rule; the dominion of the Roman Legates is only exchanged for the dominion of the Poitevin Bishop, and the first civil war of the reign, the war of the younger Earl Marshal, is waged to get rid of him and of the swarms of his countrymen who infested England.[2] By this time the second act of the drama has begun, and the hope of deliverance shows itself in a quarter where none could have looked for it.

William, Earl Marshal, guardian 1216–1219.

Hubert of Burgh, guardian 1219, died 1243.

Confirmation of the Charter won by Archbishop Stephen. 1223.

Revolt and death of Richard, Earl Marshal. 1234.

Henry was now reigning in his own name, reigning, as I remarked long ago, in not a few respects as the true successor of the Confessor. But in one point Henry and Eadward differed. Each was the son of a foreign mother; but Isabel of Angoulême had no share in the insults and spoliations which fell to the lot of Emma. In Henry's marriage the Provençal Eleanor took the place of English Eadgyth; but the southern Queen had not to dread imprisonment

Henry's personal reign. 1227.

His marriage with Eleanor of Provence. 1236.

[1] See the story in Matthew Paris, 316 Wats.

[2] See the revolt of Earl Richard in the Dunstable and Waverley Annals, 1234. Richard Siward (in half-a-dozen spellings) appears in his following; was he a descendant of Thurkill of Warwick? see vol. iv. p. 782.

CH. XXVII. at Wherwell, and it needed that she should be the mother of the great Edward to atone in some degree for the evils which she and her foreign kinsfolk and followers wrought in the land. The private and domestic virtues which, for the first time since the days of the Conqueror, were displayed on the English throne in the person of Henry were, like the vices of his father, a curse at the moment and a blessing in the end. Henry, a good son and a good husband, could not bring himself to say No to his mother or his wife, and the land was filled with successive swarms of the kinsfolk and countrymen alike of Isabel and of Eleanor. This new incursion of strangers again brought out the national feeling; and for a while the national feeling had for its leader the subject nearest to the Crown, the man who was to win a higher place than was held by any Englishman before or after him. Richard Earl of Cornwall, presently to be Richard King of the Romans, appears for a season as the leader of his countrymen against his brother. These were the days when King and Pope were firmly allied for every purpose of wrong and extortion; but wrong and extortion only bound the nation more firmly together. The extravagances of the Court, the greed of the foreign favourites, the endless demands of the arch-enemy at Rome, led only to more constant gatherings of the chiefs and representatives of the nation. Council after council, we may now say Parliament after Parliament,[1] is held; and every demand of money, whether granted or refused, forms another step in constitutional progress. The power of the purse is showing its importance, and along with it we see the beginning of the demand for another power which modern Parliaments

Evil influence of Henry's wife and mother.

Resistance to the foreign favourites under Earl Richard.

Parliaments of Henry the Third.

[1] The word "colloquium," which no doubt represents "parlement" in French, is constantly used through the earlier years of the reign. At least in 1246 the "Parlamentum generalissimum totius regni Anglicani" stands forth in all its fulness in the pages of Matthew Paris (696, Wats).

Demands for the parliamentary appointments of the great officers of state.

have at last gained in all its fulness, though only in an indirect shape. As soon as the Parliaments of Henry the Third began to demand anything, they began to demand that the great officers of state should not be appointed by the King's arbitrary will, but with the advice and consent of the nation. In the great political manifesto of those times, a document which shows how well our fathers knew what freedom was and how dearly they prized it, it is brought as one of the charges against the King that he wished to keep all these great appointments in his own hand.[1] And the bodies which used this language were becoming more and more entitled truly to speak in the name of the nation. The representation of the shires by chosen knights is step by step firmly established. And, as those knights were chosen in full county court—we are tempted to say in full *scírgemót*—the assembly, in its representative character, becomes more and more fully entitled to use those popular formulæ of ancient times which had lost one meaning and were fast winning another.[2] And never did popular formulæ stand forth

[1] See Stubbs, Const. Hist. ii. 40, 41, and the great Political Poem printed in Wright's Political Songs, 96. I have quoted the passage which bears on the present question in Growth of the English Constitution, 191.

[2] The way in which the Assemblies of this reign are described is almost as various as in earlier times. In the Waverley Annals, 1218, we meet the Witan, the "sapientes Angliæ," for perhaps the last time by that name. The descriptions are more or less popular without any very certain rule. In the "magnum parliamentum" of 1257, we read in Matthew Paris (946, Wats) how "in parliamento supradicto, nondum finito, rex in audientia totius populi adducto monstratoque omnibus Edmundo, quem protulerat in medium vestitum indumento Apuliensi, ait" (we are reminded of the speech of Anselm at the marriage of Henry the First, see above, p. 169); and we get a vivid description of the way in which a royal speech might be received in those days. In the description in the Burton Annalist (Ann. Mon. i. 360) of the Parliament of Westminster in 1255 its members are described as "episcopi, abbates et priores, comites et barones, et totius regni majores." And we directly after get a still clearer description of the constitution of the ecclesiastical part of the Assembly;

CH. XXVII. with greater boldness, truth, and dignity than in the remonstrances which united England laid before the papal throne. The heart of every Englishman must swell as he reads the great letters in which the nobles, clergy, and commons of England, with the brother of their King at their head, join with one voice to denounce the evil doings of that foreign court where gold was the only lord and master.[1]

Letters from England to the Popes. 1245–1247.

Union of races and classes.

The great feature of this time, a feature which the struggle against Henry shares with the struggle against his father, is the perfect union of all races, classes, and callings in the patriotic work. Distinctions of Norman and Englishman were forgotten when all were Englishmen; distinctions of nobles, clergy, and commons sank into the back-ground when all save courtiers were patriots. This was an age of English worthies, and it was specially an age of one class of English worthies, worthies who were none the less Englishmen because they were churchmen. Votaries of the dogmas of yesterday, dogmas of which Lanfranc and Anselm never heard, strive in vain to claim the saints and righteous men of the English Church as part

Patriotism of the English clergy.

"Episcopi, abbates, priores et procuratores, qui ibidem pro universitate affuerunt." On the growth of representation, see Stubbs, Const. Hist. ii. 220–232.

[1] The great letters from the nobles and commons of England to the Pope in 1245, 1246, 1247, will be found in Matthew Paris, 666, 700, 721. That of 1246 comes from Richard Earl of Cornwall, Simon of Montfort Earl of Leicester, the Earls of Hereford, Norfolk, Gloucester, Winchester, Albemarle, and Oxford, "et alii totius regni Angliæ barones, proceres, et magnates, et nobiles portuum maris habitatores, necnon et clerus et populus universus." See Growth of the English Constitution, 181. It is needless to pile up passages from English writers on the venality of the Court of Rome, a subject on which they found plenty to say from the days when the Peterborough Chronicler (1123) found out how "þet ofercom Rome þet ofercumeð eall weoruld, þæt is gold and seolure." But it may be as well to turn to two such orthodox writers as John of Salisbury (i. 190; ii. 39) and Garnier (81). The second passage of John of Salisbury speaks volumes. After speaking of the venality of one Cardinal, he adds, "Alter vir bonæ opinionis est, Romanus tamen et cardinalis."

of their modern following. The first article of the Great Charter declared that the Church of England should be free. And, to the minds of the men of the thirteenth century, the freedom of the Church of England, if it meant freedom from illegal acts on the part of the King at home, meant no less freedom from the endless meddlings and extortions of the enemy beyond the sea. When men in the sixteenth century prayed for deliverance from the tyranny of the Bishop of Rome and all his detestable enormities, they did but echo the voice of England in the thirteenth century and in days earlier still. From the Peterborough Chronicler onward, through Thomas of Canterbury and John of Salisbury, who found what a bruised reed Rome was to lean on, the series of our ecclesiastical worthies goes on. It goes on in the patriot Stephen, whom Rome suspended for his patriotism; it goes on when the throne of Dunstan and Stigand is again filled with an Englishman in name and race and heart, our second sainted Edmund, who had to wage so weary a strife against Pope and King. It goes on in a yet greater name, in holy Robert of Lincoln, the rebuker of Popes, the hammer and despiser of the Romans, whose glorified spirit, so men then deemed, did by a wicked Pontiff as an earlier Edmund had done by the tyrant Swegen.[1] Stephen, Edmund, Robert, were doubtless men of Old-English blood; it was well then that another name, worthy to stand by theirs, should come from the ranks of the Norman baronage. The prayers and holy rites with which Odo of Bayeux had ushered in the day of Senlac have, as it were, their answer from English mouths in the prayers and holy rites with which Walter of Cantelupe ushered in the day of Evesham.[2]

Edmund Rich, Archbishop of Canterbury. 1234–1240.

Robert Grosseteste, Bishop of Lincoln. 1235–1253.

Walter of Cantelupe, Bishop of Worcester. 1237–1266.

It is a special feature of these times that good is brought

[1] See the story in Matthew Paris, 883 Wats.

[2] See vol. i. p. 582; cf. iii. p. 62.

CH. XXVII. out of evil, and that help comes from the most unlooked-for quarters. We see this even among the patriot prelates whose names we have just gone through. If Stephen Langton was the nominee of Innocent, so Edmund Rich was the nominee of Gregory the Ninth, and Walter of Cantelupe, whose good deeds won him the ban of Rome, was consecrated by Gregory's own hands to the throne of Lyfing and Wulfstan. And so, when the great struggle of all came, we found our deliverer in one in whom, when he first set foot upon our shores, no man could have deemed that we had a coming deliverer to welcome. The hopes of England had once gathered round an English Earl, in earlier times we should have said an English Ætheling, the first man born of Angevin stock on English ground who had any share in the feelings of an Englishman. But a foreign wife and a foreign crown tempted away Earl Richard from the good cause; one whom he had himself in his English days looked on as a stranger, lived, when he had himself received the crown of Charles and Otto, to hold him in bonds in the cause of English freedom. We need feel no shame that, on the great days of all in camp and council, the foremost champion of England, saint, statesman, and captain, the hero of England and her martyr, should be found in a man who was not of English birth. We had enrolled a foreign King and a foreign Primate among the names dearest to Englishmen; it was time that we should do the same by a foreign Earl. While so many foreign marriages in the royal house had given England enemies and plunderers, it was well that another foreign marriage in the royal house should give her her deliverer. If Denmark gave us a new Ælfred in Cnut, if Aosta gave us a new Ælfheah in Anselm, so the hostile Gaulish land itself gave us a new Godwine in Simon of Montfort, Earl of Leicester. The evils that came of the foreign marriages of Henry's father and Henry

Falling away of Richard of Cornwall.

Simon of Montfort,

himself are in a manner atoned for when his widowed sister became the worthy wife of the flower of knighthood, the protector on earth and in heaven of the folk of England.[1] If the part of Godwine had now to be played by a stranger, that stranger's English Countess, the pupil of the uncanonized saint of Lincoln, may take her place alongside of the Danish wife of his forerunner. The part of Gytha at Exeter was played again by Eleanor at Kenilworth. We are now in the thick of the great tale. While Englishmen are seeking crowns in Germany and Sicily, the stranger whom England has made her own is winning the freedom of England. Men's thoughts, so it was said, had once turned to the elder Simon as a King for England; she now found more than a King in his son. The great Earl is a reformer from the beginning; but it is only step by step that his eyes are opened to the only way in which true reforms can be wrought. His platform gradually widens; the first noble of the land, the brother-in-law of the King, takes into partnership the growing commons of the realm, first the knights and then the citizens.[2] In his tale we find ourselves on spots which have played their part in our earlier history. Oxford, now become the seat of famous schools of learning, has not lost the place which she held while she was still but a border fortress. As it was at Oxford that Danes and Englishmen had agreed to Eadgar's law, so now, in the great Provisions, more than the laws of Eadgar, more than the Charter of John, was won for us. The days

CH. XXVII. his marriage with the King's sister Eleanor.

Career of Simon.

The Provisions of Oxford. 1258.

[1] See the poem in the Political Songs, 124;

"Salve Symon Montis Fortis,
Totius flos militiæ,
Duras pœnas passus mortis,
Protector gentis Angliæ."

I have quoted more passages to the same effect in Growth of the English Constitution, p. 192.

[2] The gradual developement of Simon's policy should be studied in Dr. Pauli's Monograph.

CH. XXVII. were now come in which there was no need that Normans and English should agree, for Barons and Commons have become words which may be freely used for one another.[1] Then comes the Barons' War, a war in which we might almost say that the word *baron* had gone back to its first meaning, and that that what it now meant was a war waged by all the men of England against their faithless King. The day of victory, the great Parliament, the day of overthrow and martyrdom, follow fast on one another; and the great Earl who had been so lately the champion of Englishmen on earth was now, by their voice, in the teeth of the ban of Rome, enrolled among the saints, to work signs and wonders, as Waltheof and as Thomas had done before him.

Battle of Lewes, 1264; of Evesham, 1265.

For a moment the cause of freedom seemed crushed; but on the heights of Lewes and of Evesham two men had met as enemies whom history must rather look on as fellow-workers. The uncle passed on the torch to the nephew who overthrew him; the nephew clothed himself with the mantle of the uncle whom he overthrew. Simon died beneath the sword of Edward; but it is as the disciple of Simon, as the heir of his policy, as the man who carried his work to perfection, that Edward stands forth as the greatest name among our later Kings. When Simon saw the host of Edward marching against him, he said that it was from himself that their chief had learned the art of war. But it was more than the art of war that the victor of Evesham had learned from the martyr who fell before him. In the wise and conciliatory policy which Edward showed towards the vanquished, in the perfect peace of the last few years of Henry's reign, we see the fruit of the lessons of the teacher who was gone. And yet

Edward the successor of Simon.

Last years of Henry.

Conciliatory policy of Edward.

[1] In the Provisions of Oxford (Select Charters, 378 et seq.) such phrases as "comites et barones" alternate with such as "le commun de Engleterre."

more, the great political work of Simon is one whose glory Edward must share with him. We have seen how our parliamentary constitution had long been growing up, slowly and silently. Step by step, through the long and dreary reign of Henry, the powers of Parliament were constantly strengthened, and the constitution of Parliament was drawing nearer and nearer to its perfect form. That perfect form, in all its completeness, representing every class of the freemen of the realm, prelates, earls, and barons, knights, citizens, and burgesses, was held up by Simon before our eyes for a moment, but only for a moment. What Simon showed us for a moment, Edward gave us for ever. The greatest of all parliamentary reforms, the admission of the towns to a direct share in the national representation, was in its first momentary form the thought of Simon; in its lasting shape it was the gift of Edward. The man who seemed to be the destroyer was but the executor of the legacy of the martyr. A testament not without blood, and sealed by the death of the testator, was carried out in all its fulness by the pupil whom a hard fate had made the slayer of his master.

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Simon's parliamentary constitution finally completed by Edward.

And now the goal of our tale is reached. The people of England, chastened and strengthened by a momentary overthrow, have risen again. They have changed their conquerors into brethren; they have changed the Norman barons into the front rank of the united English nation. It remained to put the finishing stroke to the work. Under Richard, John, Henry, the body of the nation had been fast waxing more and more English; but its head was still alien. Save that he reverenced the ancient saints of England, save that he gave the names of English saints and heroes to his sons, we might have said that Henry of Winchester was more of an alien at heart than Henry of Le Mans. But with him the days of foreign kingship are

Reign of Edward the First.

CH. XXVII. ended. It might seem to be the formal wiping out of the foreign Conquest, when England had again a King bearing the name, not only of the English saint to whom Norman and Englishman looked back with such fantastic reverence, but of his own forefather and model, the unconquered founder of the English kingdom. Some reckoning of lawyers or courtiers has taught us to speak of our great Edward as the first of his name. Men of his own day, with better remembrance of the true history of his kingdom, hailed him as Edward the Third and Edward the Fourth, fourth among the Kings of the English, third among the Emperors of Britain.[1] In him we had a King indeed. Before him we had Kings who had indirectly wrought us good by their vices, by their weaknesses, by their very absence from among us. Now we have once more a King to rule us with wisdom, valour, and goodness, like the noblest of the native Kings of the elder stock. There was now no need to ask for the laws of Edward, when new laws of Edward, new laws putting forth ancient rights in a new dress, were yearly decreed by the royal lawgiver at the head of his assembled people. We had now a King who well loved the powers of his crown, but who knew that the strength of a King lies in the strength of his people. After so many Kings whose word was lightly pledged and lightly broken, we had one at last whose life was ruled by the precept that was graven on his tomb. The days of foreign rule had passed away for ever, the days of the earliest Edward had come back again, when the conqueror of Wales, the paramount of Scotland, stood forth as more truly Lord of the Isle of Britain even than his great-grandfather who had received the submission of the Scottish Lion at Falaise and at

The first English King of the new line.

Called Third and Fourth.

Character of Edward.

His legislation.

His conquests of Wales and Scotland.

[1] In the Annales Regis Edwardi Primi (Luard's Rishanger, 473) he appears as "Edwardus Tertius." In Walter of Coventry, i. 19, we find a splendid panegyric of "Edwardus Quartus."

York.[1] Every stain had been wiped out, every trace of bondage had passed away. The Angevin King, the Norman baronage, the English commons, had forgotten that they sprang from three stocks which had once been such deadly enemies. The cycle has come round; England has again an English King, ruling by laws which, changed as they were in form, had given back to us the substance of all that was precious in the laws of our earliest day. Men asked in Edward's day by what laws Edward should be guided in judging the cause of his loftiest vassal. Was he, whom some have called the English Justinian, to be guided by the laws which Justinian, on the throne of the New Rome, had put forth for all lands from the Ocean to the Euphrates? And the answer was that an English King, Emperor in his own island, was bound by no laws but those of his own island Empire.[2] In reading words like these we feel that we have passed away from the days of Normans and Angevins; we feel ourselves again face to face with Ecgberht the eighth Bretwalda, or with Æthelstan, Basileus of Britain. What if dark days came after him, the days of Kings who turned away from the consolidation and rule of the island Empire, to grasp at shadows of dominion beyond the sea? What if, in the reigns after him, as in the reigns before him, our freedom was again strengthened, not by the virtues and the wisdom, but by the vices and follies of our Kings? His glory does but stand out the greater and the purer, as the King

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His Empire.

No such King after him.

[1] On Edward's dealings with Scotland I have said something in the Essay just referred to. I take for granted that no one who knows anything of the facts of the case thinks that any apology is needed for Edward's dealings with Wales.

[2] Rishanger, ed. Riley, p. 255; "Episcopus Bibliensis requisitus dixit quod dominus rex secundum leges per quas judicat subjectos suos debet procedere in casu isto, quia hic censetur Imperator." So Palgrave, Documents, p. 29; "Sire Robert de Brus . . . prie a nostre seigneur le rey come son sovereyn seigneur e son Empereur." See Historical Essays, First Series, p. 69.

CH. XXVII. who wrought the good of his kingdom, not as the instrument of a blind chance, not as a puppet in the hands of others, but as a King who, on the throne of England, made the welfare of England the conscious object of his

Conclusion. life. With Edward then, the first King of the new stock who deserved to be called an Englishman, the first King in whom the blood of Cerdic and Woden had swallowed up the blood of Norman Dukes and Angevin Counts, the history of the Norman Conquest and its results finds its fitting end. We leave England in all the strength and freshness of her second birth, under the rule of the last of her royal lawgivers, the noblest of her royal conquerors. Our tale may follow the great King to the end of his glorious life and to one stage beyond it. We will not follow him to his last resting-place of all beneath the shadow of the shrine of the Confessor; we will leave him rather in that solemn hour of meeting of the mighty dead when he lay for a moment beside the grave of Harold.

APPENDIX.

NOTE A. p. 5.

DOMESDAY.

A COMPLETE account of Domesday and its contents is the business, not of a historian of the Norman Conquest, but of a critical editor of the great Survey itself, whenever a person so much to be longed for shall show himself. The well-known Introduction by Sir Henry Ellis has its use till something better appears, but it is far from being up to the present standard of historical scholarship. Indeed the earlier work of Kelham, on which that of Ellis is partly founded, really shows, as far as it goes, if not a greater knowledge of facts, yet a greater power of understanding the facts. I have also before me a French work, "Recherches sur Le Domesday ou Liber Censualis d'Angleterre, par MM. Léchaud d'Anisy et de Ste. Marie, Caen, 1842." Its chief object is to identify the different persons, French and English, whose names are found in the record; but it is done with very little criticism, and chiefly, it would seem, with the object of tracing out the pedigrees, real or imaginary, of various Norman families. An useful work, primarily local in its character, but containing a good deal of matter not confined to its own district, is Mr. W. H. Jones's "Domesday for Wiltshire" (Bath, 1865). The photozincographic editions of the Survey of each county published by Sir Henry James have the great use of preserving an absolutely perfect text, and of making the look and character of the document more generally known. But a really critical edition of the whole Survey, bringing the full resources of modern scholarship to bear on all the points suggested by it, is an object which ought to be taken up as a national work.

For my own part, I have to deal, not so much with the document itself, as with the evidence which it supplies as one of the great sources of my history. But some notice of the document itself is not out of place, and the difference in character between different parts of the Survey also calls for some notice.

The technical name for the book known as Domesday seems to be "Liber de Wintoniâ." This is the name given to it in the book itself (see vol. iv. p. 298). Other names are collected by Ellis (i. 1, Palgrave, English Commonwealth, ii. cccxlv), but the name Domesday seems to have been commonly in use in the twelfth century. The "Dialogus de Scaccario" (i. 16, Select Charters, 199) calls it "Liber Judiciarius," clearly as a translation of the English name. For he adds,

"Hic liber ab indigenis Domesdei nuncupatur, id est, dies judicii per metaphoram; sicut enim districti et terribilis examinis illius novissimi sententia nullâ tergiversationis arte valet eludi: sic quum orta fuerit in regno contentio de his rebus quæ illic annotantur; cum ventum fuerit ad librum, sententia ejus infatuari non potest vel impune declinari. Ob hoc nos eundem librum judiciarium nominavimus; non quod in eo de propositis aliquibus dubiis feratur sententia; sed quod ab eo sicut a prædicto judicio non licet ulla ratione discedere."

So Thomas Rudborne, while confounding the making of Domesday with the plunder of the monasteries in 1070 (see vol. iv. p. 328), says (Anglia Sacra, i. 257), "Eodem tempore factus est magnus liber; qui habitus est in thesauro Westmonasterii, et alius in thesauro ecclesiæ cathedralis Wyntoniæ, vocatus Domysday, et vocatur sic, quia nulli parcit, sicut nec magnus dies judicii." Thierry, who rolls these two quotations from the Dialogue and from Rudborne into one, colours (ii. 95) the meaning of the name after his usual fashion. After mentioning the Latin names, he adds,

"Les Saxons l'appelèrent d'un nom plus solennel, le livre du dernier jugement, *Doomesday book*, parce qu'il contenait leur sentence d'expropriation irrévocable."

Thomas Rudborne merely witnesses to the common belief of his own time. The authority of the Dialogue is more weighty. But the name of Domesday was also applied to smaller records of the same kind, to surveys of particular districts or of the property of particular bodies, from a time as early as the

Dialogue itself. There are many local Domesdays, as those of York, Norwich, Ipswich, and Chester (mentioned by Palgrave, English Commonwealth, ii. cccxlv), and that of Evesham. The most notable among them is the Domesday of Saint Paul's, made in 1181 by the Dean, the famous historian Ralph de Diceto, and edited by Archdeacon Hale. The Archdeacon (ix. et seqq.), followed by Mr. W. H. Jones (Wiltshire Domesday, xviii), seems to make the word Domesday to mean simply the day of holding the local court, and the Domesday book to mean the book drawn up from the inquisitions made on these court days. The simplest explanation is often the best; yet, considering the feeling with which the Survey was looked on when it was made, it is possible that there really is in its popular name such a reference as the writer of the Dialogue supposes to the great day of doom, and that the smaller Domesdays were so called in imitation of the great one. As for its being so called from being laid up in a place called "Domus Dei" at Winchester, it is answer enough that the name is plainly English.

The Domesday here spoken of, the Liber de Wintonia or Exchequer Domesday, consists of two volumes. The former contains thirty shires, together with the anomalous districts of Rutland and the land "inter Ripan et Mersham." That is to say, it contains all the shires that were surveyed at all, except Essex, Norfolk, and Suffolk, the fuller reports of which form the second volume. The distinct book called the Exon Domesday, in possession of the Chapter of Exeter, contains the fuller reports of the western counties, Wiltshire, Dorset, Somerset, Devonshire, and Cornwall. This is printed in the fourth volume, the "Additamenta" of the published Domesday. The same volume contains the "Inquisitio Eliensis," a record of the same kind of the lands of the Abbey of Ely. These three, the second volume of the Exchequer Domesday, the Exon Domesday, and the Inquisitio Eliensis, seem, as I have said in the text, to be the original record of the Survey itself, which appears in the first volume of the Exchequer Domesday in an abridged shape. In the case of the lands of Ely and of the western shires we thus have the Survey in two stages. In both volumes of the Exchequer Domesday each shire is commonly headed with a list of the chief land-owners in it. The King comes first, then the great ecclesiastical and then the great temporal proprietors, followed in

many cases by the smaller proprietors lumped in classes, "servientes regis," "taini regis," "eleemosynarii regis," and the like, the list being numbered and forming an index to the Survey itself which follows. Lastly, in several shires come the "Clamores," the records of lands which were said to be held unjustly, and to which other men laid claim. This methodical arrangement is noticed in the Dialogus de Scaccario (Select Charters, 200; cf. the account in Ralph de Diceto, X Scriptt. 487);

"Fit autem descriptio per comitatus, per centuriatas, et per hidas, prænotato in ipso capite regis nomine, ac deinde seriatim aliorum procerum nominibus appositis secundum status sui dignitatem, qui videlicet de rege tenent in capite. Apponuntur autem singulis numeri secundum ordinem sic dispositis, per quos inferius in ipsa libri serie, quæ ad eos pertinent. facilius occurrunt."

Then comes the Survey itself. The lands of the King or other land-owner are arranged under the hundreds in which they were placed, and the necessary particulars of which the Survey was to be a record are put down under each manor or other holding. The fullest account of the objects to be inquired into is given in the preamble to the "Inquisitio Eliensis" (Domesday, iv. 497; Stubbs, Select Charters, 83), part of which I have quoted in vol. iv. p. 692. The subjects for inquiry are there given;

"Quomodo vocatur mansio, quis tenuit eam tempore regis Eadwardi, quis modo tenet, quot hidæ; quot carrucatæ in dominio; quot hominum; quot villani; quot cotarii; quot servi; quot liberi homines; quot sochemani; quantum silvæ; quantum prati; quot pascuorum; quot molendina; quot piscinæ; quantum est additum vel ablatum; quantum valebat totum simul; et quantum modo, quantum ibi quisque liber homo, vel sochemanus habuit vel habet."

It will be remembered that this numbering of the oxen, cows, and swine was one of the chief things which stirred up English indignation as expressed by the mouth of the national Chronicler. Now the number of animals is carefully set down, though in a shorter form, both in the Exon Domesday and in the survey of the eastern shires in the second volume of the Exchequer Domesday, but they are left out in the shorter survey of the other shires in the first volume, while all the other points are carefully entered. Thus the description of certain possessions of the Abbey of Glastonbury, the manor of Shapwick and its dependencies, in the Exon Domesday

(149) fills a large part of two pages, while the entry of the same lands in the Exchequer Domesday (90) takes up only a few lines. The Exeter entry is a mere string of legal formulæ, without a touch of human life, without any of the personal anecdotes, the illustrations of laws and manners, which light up many other parts of the Survey. But as a piece of statistics the thing is perfect. There is not an ox or a cow or a swine, there is not a horse or a sheep, that is not set down in the writ. We know who held the land when the Survey was made, and who held it on the day when King Eadward was alive and dead. We know the number of inhabitants of all classes. We know the extent of each estate, how much was arable land, how much wood, how much pasture. We know what it was worth at the time the grant was made, and what it was worth, commonly a smaller sum, when the Survey itself was taken. The record shows us how the lands of a great ecclesiastical body were held under it, both before and after the Conquest. It sets before us all classes of society, from the spiritual lord, through Thegns and churls of different degrees, down to the personal slave. It brings out strongly one special feature of the district, the great subdivision of land, and the great numbers of men, some of them of very small estates, who held the rank of Thegn. It shows how the confiscation touched neither the ecclesiastical over-lord nor the actual tiller of the soil, but how the class of English Thegns was utterly swept away, and how the holdings of many such Thegns were joined together to form the estate of a single Norman. In the abridged form of the Exchequer Domesday, the legal verbiage is a good deal cut short. Some of the formulæ differ; some words, as "acra" and "agra," are spelled in different ways, and the more simple form of "the time of King Eadward" is used instead of the more exact reckoning of "the day when King Eadward was alive and dead." Local and personal history lose something of their minuteness. Thus in Exon, lands at Hunlavington which had been held by "Alwi bannesona" were then held by the well-known "Alveredus de Hispania," who appears as "Ælfred Aspania" in an English document in Cod. Dipl. vi. 211. In the Exchequer, Ælfwig vanishes altogether, and Ælfred appears without his distinguishing surname. From the Exchequer Domesday alone we should not have learned that this Ælfred and this Ælfwig were the same who appear in the Exchequer Domesday

(p. 97) in the same relation of "antecessor" and "successor." We should have thereby lost the illustration of the way in which, both before and after William's coming, men who had large estates of their own held further estates as tenants of religious houses.

One cause of the special dryness of the Western Survey is that it places the "Occupationes," or unjust holdings of land, in separate groups by themselves. This is done with several other shires in the Exchequer Domesday. In the "Inquisitio Eliensis" and in the second Exchequer volume we get many more notices of this kind than in the body of the Survey, besides a much fuller account of tenures and other legal points. In those parts where the Inquisitio Eliensis and the second Exchequer volume coincide, that is to say in the lands of the Abbey of Ely, there is very little difference between the two. And in these respects the Exchequer Survey of Cambridgeshire and Huntingdonshire keeps much of the character of the fuller document from which it is abridged. The Ely Survey often differs widely in its formulæ from those of the Exeter book. The Latin is sometimes less correct, and in some cases, as p. 503, where the name of the former King is written at full length, it takes the Mercian form of "Ædward" instead of the West-Saxon "Eadward."

Of the way in which the Survey was drawn up I have already spoken (see vol. iv. p. 692). The information was given in on the oaths of the local functionaries, ecclesiastical and civil, together with certain of the men of each place. It was in fact an inquisition by a jury, according to the usual custom in after times. One remarkable entry in Hampshire shows that the jurors did not always agree in their statements, and that they might offer or be called upon to confirm them by the oaths of compurgators, or by the ordeal or judgement of God. The entry is in p. 44 *b* of the Exchequer Domesday;

"Istam terram calumniatur Willelmus de Chernet, dicens pertinere ad manerium de Cerdeford feudum Hugonis de Port, per hereditatem sui antecessoris, et de hoc suum testimonium adduxit de melioribus et antiquis hominibus totius comitatus et hundredi, et Picot contra duxit suum testimonium de villanis et vili plebe, et de præpositis, qui volunt defendere per sacramentum aut per Dei judicium quod ille qui tenuit terram liber homo fuit,

et potuit ire cum terra sua quo voluit. Sed testes Willelmi noluerunt accipere legem nisi regis E. usque dum diffiniatur per regem."

This is one of the most instructive passages in all Domesday. The Commissioners simply report the conflicting evidence to the King, though perhaps their bias may be guessed from the epithets which they apply to the witnesses. Yet those epithets may imply nothing more than the ancient distinction between the values of the oaths of different classes. The witnesses on one side were evidently the Englishmen of most account in the district, the "meliores et antiqui homines," "þa yldestan," as they would be in an English version of the record. The witnesses on the other side were churls and other men of lower degree, who must have come in greater numbers for their oaths to be of equal value to the oaths of their betters. The whole story is characteristic of the time. The claimants of the land are Normans disputing over the confiscated estate of an Englishman. Picot actually holds the land of King William, and says that his antecessor "tenuit in alodio de rege E." The dispute, to be decided by English law according to the testimony of English witnesses, turns on the nature and extent of the state of the dispossessed Englishman. All his rights, and nothing more than his rights, are to pass to his Norman successor, who is even by implication called his heir. Picot defends his possession by the oaths of men who swear that the Englishman whom he succeeded was a freeman who could commend himself to any lord or to no lord at all, and who had chosen to put himself under no lord but the King himself. The witnesses on behalf of the claimant, William of Chernet, who held the neighbouring lands under Hugh of Port, assert that the land was part of the possessions of Hugh's "antecessor" Ælfwine ("Duo liberi homines tenuerunt de Aluuino, sed non fuit alodium"), wishing evidently to make out that Phitelet held his land of Ælfwine like the other two freemen. On this showing the land would pass with the rest of the land of Ælfwine to Hugh, and under him to his tenant William, and the grant of King William to Picot would be void. All this is judged according to the laws of England as they stood in the days of King Eadward, One thing more may be noticed, namely the contemptuous way in which the reeves, whether French or English, are spoken of

along with the vile commons. Few extracts illustrate so many points in so short a compass.

NOTE B. p. 12.

NOTES OF TIME IN DOMESDAY.

THE regular phrase to express William's entry, "quando rex Willelmus venit in Angliam," is a phrase altogether colourless, and certainly would not of itself suggest the events of the campaign of Hastings. But other phrases to the same effect are found; as "postquam rex W. mare transiit" (48 *b*); or, "post adventum regis W." (137, 138, 143 *b*, 208). In the Exeter Domesday we find several phrases which come nearer to expressing the real facts. Thus we not only find "postquam W. rex habuit regnum" (2) or "Angliam" (80), and "tenuit Angliam" (463, 465); but more distinctly, "postquam rex W. terram" (78, 468), or "regnum (78, cf. Exon, 468) obtinuit." So in the second volume of Domesday we not only find "postquam venit in hanc" or "istam terram" (6, 15), or "in hanc" or "istam patriam" (102 *b*, 120), or "venit in Anglicam terram" (124 *b*); or again "postquam mare transivit" (10 *b*), or "transfretavit" (15), or simply "advenit" (212) or "venit" (30); but in one place (124 *b*) we actually find the words "postquam rex W. conquisivit Angliam." Now though the word "conquisivit" does not imply conquest by force of arms, it implies "conquest" or "purchase" in the legal sense; that is, something different from strict hereditary succession. Now all the phases of this kind are found in the Exeter Domesday and in the second volume of the Exchequer; that is to say, they are found in the original record from which the shorter accounts of the other shires were abridged. Possibly some of the cunning clerks in William's employ softened down the stronger language of the original Commissioners into the colourless legal phraseology of the first volume. In the first volume itself, the only entry I remember which could at all imply a forcible acquisition of the kingdom by William is that in the very first page of the record, where the burning of Dover is said to have happened "in ipso primo adventu ejus [W. regis] in Angliam."

William being thus looked upon as the immediate successor of Eadward, a way had to be found to describe the time between the death of Eadward and the coming of William, without recognizing Harold's reign. Harold of course never receives the title of "Rex," but is carefully distinguished as "Heraldus comes." But in speaking of the events of his reign, the writers seem to have been sometimes a little puzzled; and an unskilful clerk has now and then fallen into forms which give up the main position. The correct form is "post mortem regis Edwardi," as 132 *b*, 134 *b*, and especially 162 *b*, where the words are, "Has v. terras abstulit Heraldus comes post mortem regis E." In p. 43, a gift made to the New Minster during the reign of Harold is said to have been made "post mortem regis E. antequam rex W. venisset." In the Lincolnshire "Clamores" (376) we read; "T. R. E. habuit Grinchel super terram suam sacam et socam, sed anno quo mortuus est isdem rex fuit ipse forisfactus, et dedit illam Merlosuen vicecomiti pro reatu regis et de illo fecit heredem." This most likely means a transaction of the reign of Harold, though by one reckoning Eadward's death comes in the same year as Tostig's outlawry, and Grinchel may have been one of Tostig's followers. But what Merleswegen did is not very clear. In the Yorkshire "Clamores" (373 *b*) there is a reference to land bought by Archbishop Ealdred during the reign of Harold; "Terram Suen de Hadeuuic dicunt Aldred archiepiscopum emisse post mortem E. R. et eam quietam habuisse." So in the Lincolnshire "Clamores" (376 *b*) the shire bears witness that Aschil held certain lordships "ea die qua Rex E. fuit vivus et mortuus *et post;*" and in 377 a sale is thus dated, "Dicunt quod Normannus pro ipsa terra dedisse ipsi Turuerd iii. markas auri T. R. E., et post mortem ejusdem regis iiiiam marcham dedit." But the phrase is not always confined to the reign of Harold, as Bishop William of London (ii. 10) recovered certain lordships to his church "post mortem regis E. jussu regis W." The most remarkable case of this phrase is that which I have quoted in vol. iii. p. xxviii. (p. 743, Ed. 2). If Eadnoth and Eadwig died on Senlac, the next heir doubtless bought back the forfeited estate (see vol. iv. p. 25). So in the story of Waltheof's lands at Tooting, the record goes on to say that Æthelnoth "concessit Sancto Petro pro sua anima, scilicet quando ille habebat." (See vol. iv. p. 21.)

The object of the entry seems to be to mark the transaction as happening during the reign of Harold, and so to insinuate its illegality.

The reign of Harold is also expressed by mentioning the reign of Eadward and adding the word "postea." Thus in p. 175 one Azor (see vol. ii. p. 643) held lands of the church of Pershore for the lives of himself and his wife; "Hic vivebat die obitûs regis Edwardi et ita terram tenebat. *Postea* vero, uxore sua jam mortua, factus est utlagh." This looks as if he was outlawed by Harold. The sense of "postea" is still clearer in p. 197; "Hoc manerium tenuit Orgarus vicecomes regis E., qui *postea* fuit homo Asgari stalri." This looks as if Ordgar had lost his sheriffdom under Harold, and had commended himself to Esegar. A still more remarkable entry in ii. 210 runs thus; "Super omnes istos liberos homines habuit rex E. socam et sacam, et *postea* Guert accepit per vim, sed rex W. dedit cum manerio socam et sacam de omnibus liberis Guert, sicut ipse tenebat; hoc reclamant monachi." The object here is to brand a grant of Harold to his brother as illegal (on the phrase "per vim" see Note H). The phrase "postea" however is used in another way in ii. 3 *b*. Earl Ælfgar had held lands in Essex; "postea tenuit regina; modo Otto aurifaber ad censum in manu regis." Here, as the Queen spoken of must be Matilda and not Eadgyth, "postea" can only mean after the confiscation of the lands of the sons of Ælfgar. So again in the Lincolnshire "Clamores" (376) of land which belonged T. R. E. to the church of Stow; "In illa jacuit ipsa die qua isdem rex fuit mortuus, et Remigius episcopus *postea* inde fuit saisitus." Here "postea" must mean in the reign of William.

Harold's death is once spoken of where Harold's own property is concerned; "Heraldus tenebat quando mortuus fuit" (186). Here the mention of him could not be avoided; but Harold's name is once or twice used as a note of time in a way which we should hardly have expected. Thus (80 *b*) we find said of land in Dorset that the owner "tenuit eam in vitâ et in morte regis E. et tempore Heraldi." So again in Norfolk (ii. 236); "Hanc terram tenet Radulfus in Neketuna; sed non jacuit in Neketuna T. R. E. nec tempore Heroldi, et Rogerius Bigot eam revocat de dono Regis." This is almost a recognition of the "tempus Heroldi" as a time of legal rule, but the passage is found (see above, p. 740) in the second volume. In the same volume (5 *b*) we again find the phrase "in

tempore Haroldi;" but it need not refer to more than to Harold's possession of the lands spoken of, as we find in 179 *b* "tempore W. comitis" (William Fitz-Osbern), and in the Lincolnshire "Clamores" (377 *b*) "tempore Radulfi comitis" and "ex tempore Radulfi stalre usque nunc." In other places the "time of King William" is pointedly spoken of as following immediately on the "time of King Eadward." Thus in ii. 12 *b* one Northman held his land "T. R. E. et T. R. Willelmi;" and in ii. 94 *b* the hundred witnesses that certain lands belonged to a lordship "T. R. E. et post adventum regis Willelmi." From the passages which recognize a "tempus Heroldi" the transition is not hard to the two passages which I quoted in vol. iii. p. 630, where the clerk must surely have forgotten his lesson. In the entry in 164 *b*, about the lands taken from the abbey of Gloucester by Archbishop Ealdred (quoted in the Additions and Corrections to vol. *ii*), the object is to mark that the alienations of Ealdred went on after William's accession.

The necessity of showing that a transaction took place in one or other of the two times of lawful government led to the constant use of the familiar form "tempore regis Edwardi," and the other form regularly used in the Exeter book, "Ea die qua rex E. vivus fuit et mortuus." This is the phrase which we find in English in the Taunton document (Thorpe, 432), "On þam timan þe Eadward cing wæs cucu and dead," and which is also often found in Latin, as in Stephen's charter (Will. Malms. Hist. Nov. i. 15), "Die illa qua Willelmus rex avus meus fuit vivus et mortuus." Other phrases to the same effect are "tempore R. E. mortis" (3), "in fine regis E." (17), "rex E. tenebat die qua mortuus fuit" or "est" (32, 133), "die obitûs" or "mortis R. E." (135 *b*, 175 *b*, 197), "die qua rex E. obiit" (127 *b*). So there are marked references to things being done or property being held in Eadward's lifetime; "Edwardus rex tenuit in vitâ suâ" (75). Land is held on a particular tenure "T. R. E. et in morte ipsius regis" (202 *b*). So in 191 there is the negative form, "Non poterat T. R. E. nec in die mortis ejus." A certain Eadric of Suffolk, of whom we shall hear again, commended himself to another man of the same name "priusquam rex E. obisset." In the Exeter Domesday (82) it is significantly said of the possession of Wedmore by the Bishops of Wells, "Episcopus tenuit de rege Edwardo longo tempore ante obitum regis E." Wedmore was a gift of Eadward

(see Cod. Dipl. iv. 197), and the passage is perhaps not without a reference to the dispute between Harold and Gisa. So in p. 349 of the same volume it is pointedly said that an act of Ælfwig, a reeve of the King in Devonshire, was done in the lawful time; "Hanc virgam præstituerat præpositus regis Alani in die regis E." In the Exchequer Domesday (169), lands which Earl William Fitz-Osbern had granted to one Walter Fitz-Roger were claimed by the church of Abingdon; "Sed omnis comitatus testificatus est Stigandum archiepiscopum x. annis tenuisse vivente E. rege." So in 32 *b* we read of lands held of Chertsey abbey by one William of Watevile, that "vir Anglicus tenuit T. R. E. et ipso rege vivente dedit hanc terram eidem ecclesiæ in elemosinâ;" and of certain other lands, "per duos annos ante mortem R. E. abbatia tenuit. Antea tenebant iii. homines de ipso rege." In other cases pains are taken to show that transactions were done in William's time. Thus it is said of lands belonging to the church of Westminster (32) that "fuit ecclesia saisita T. R. Willelmi, et post desaisivit eam episcopus Baiocensis." So again of one of the grants of land made by Brihtheah Bishop of Worcester we read (173) that Archbishop Ealdred recovered possession T. R. W. In another entry about Chertsey (p. 34), "Azor tenuit donec obiit, et dedit ecclesiæ pro animâ suâ tempore regis W. *ut dicunt monachi*, et inde habent brevem regis." So it is pointedly said (5 *b*) of the lands which Godwine was charged with fraudulently buying to the prejudice of the church of Rochester, that "postmodum regnante W. rege diratiocinavit illud Lanfranceus archiepiscopus contra Baiocensem episcopum." So of some of the lands of Peterborough we read (205), "Hæc non pertinuit ad abbatiam T. R. E., sed in diebus W. regis data est ad ecclesiam S. Petri." So of a grant of Earl Waltheof to Saint Eadmundsbury (210 *b*), "Hanc dedit Sancto Edmundo Wallef comes et uxor ejus in elemosina T. R. Willelmi." And in a long and remarkable Hampshire entry in 43 *b* we see still more clearly a disposition to insist on the fact that a transaction took place in one or other of the two times of lawful rule, and not in the intervening usurpation. The Lady Emma had granted a lordship to the Old Minster of Winchester, of half of which the monks were put into immediate possession ("tunc de medietate monachos saisivit"); the other half was granted to a certain Wulfward for life ("aliam vero

medietatem Vluuardo in vita sua tantum ita dimisit, quatenus post obitum suum ipse sepeliendus et manerium rediret ad monasterium"). The entry goes on; "Atque ita Vluuardus de monachis partem manerii tenuit donec mortuus fuit T. R. W.; hoc sic attestantur Elsi abbas de Ramesy et totum hundret." At the Survey the land was held by the church of Jumièges, in evident opposition to the grant of Emma. The significant mention that Wulfward's death took place in the reign of William looks as if the claim of Winchester had been falsely objected to as tainted in some way by the illegality of the usurpation. As for the times before Eadward (see p. 16), in one of the few notices which do not relate to ecclesiastical property (253 *b*), a part of Earl Roger's lands in Shropshire was waste in King Eadward's days, but at the time of the Survey it paid fifteen pounds and fifteen shillings. It is added, with an unusual regard to antiquarian precision, "tempore Adelredi patris E. regis reddebant hæc tria maneria dimidiam firmam noctis." There is another reference to the reign of Æthelred in 165 *b*, among the lands of Evesham; "Rex Adelredus quietam dedit ibi." The Church also sometimes claims and recovers lands which had been lost in the reigns of Cnut and his sons. In ii. 10 Cnut himself appears as the wrong-doer; "Hanc terram tulit Gnut rex, sed Willelmus episcopus recuperavit T. R. Willelmi." In other cases (65 *b*, 263, 264) Bishops claim lands which had been held from Cnut's time, implying, it would seem, that they were lost in the time of his sons. Of ninety-seven hides in Wiltshire belonging to the see of Winchester, "duæ non sunt episcopi, quia ablatæ fuerunt cum aliis tribus de ecclesia et de manu episcopi tempore Cnut regis." One of the Chester entries gives the evidence of the shire in favour of the Bishop; "In manerio Roberti filii Hugonis calumniatur episcopus de Cestre, ii. hidas quæ de episcopatu erant tempore Cnut regis, et comitatus ei testificatur quia Sanctus Cedda injuste perdidit." In the second case the Bishop's moan becomes more plaintive; "De hoc manerio calumniatur episcopus de Cestre ii. hidas quas tenebat Sanctus Cedd tempore Cnuti regis, sed ex tunc usque modo se plangit amisisse." There are also more general references to times before King Eadward. Thus in the Exon Domesday, 107 [Exchequer, 101 *b*], under Crediton, the old seat of the Devonshire bishoprick, "De hoc manerio ostendit Osbernus episcopus cartas suas quæ testantur ecclesiam Sancti

Petri inde fuisse saisitam antequam rex E. regnaret. Insuper T. R. Willelmi diratiocinavit coram baronibus regis esse suam." So in ii. 10 *b* of the see of London; "Hoc manerium dedit Willelmus rex Willelmo episcopo postquam mare transivit, quia *in antiquo tempore* fuit de ecclesia Sancti Pauli." The "antiquum tempus" cannot refer to the familiar time of King Eadward, but rather to the old time before him. Such ancient evidence as this could seldom be brought up in the case of lay holdings. But in one place (137 *b*), where eleemosynary property is spoken of, the Survey ventures on a much more daring flight. It is said of lands in Hertfordshire, "Vendere non potuerant, quia semper jacuerunt in elemosina R. E. tempore, et *omnium antecessorum suorum*, ut scyra testatur."

Other miscellaneous notes of time in Domesday are worthy of notice on various grounds. Sometimes they refer to public events, sometimes to the events in the history of particular persons. Thus in 347 *b* of certain lands in Lincolnshire, "Habebat Willelmus Blundus eo die quo Ernuinus presbyter captus fuit et ante." Of this Earnwine we hear in other places, and we should like to know something more about the time and details of his capture. In 130 *b* we find a reference to a voyage of Geoffrey of Mandeville on the King's errand, during which, oddly enough, it would seem that lands of his had been given in alms to an Englishwoman. In Middlesex, under "Terra in elimosina data," "Ælveve femina Wateman de London" holds a small estate of which it is said, "Hanc terram tenuit Aluuinus albus, homo Leuuini comitis. [Ælfgifu held other lands which had been held by Leofric, another man of Earl Leofwine.] De hac terra Goisfredus de Mannevile erat saisitus quando ivit trans mare in servitium regis, ut dicunt homines sui et totum hundret." In ii. 180 we read of lands in Norfolk, "Sic dedit eum rex Rogerio Bigot, ut ipse dicit, quando frater suus Willelmus venit de Apulia cum Goisfrido Ridel." We are more interested in another entry in the same shire in ii. 200 *b*, where it is said, "In Somertuna iii. liberi homines T. R. E. sed, postquam Tostius exiit de Anglia, Berardus." These three freemen must have been fellow outlaws with Tostig (cf. p. 741). So in p. 186 we find the banishment of Godwine and his sons used as a note of time, "Quando Godwinus et Heraldus erant exsulati." (I have elsewhere quoted other entries of this kind, such

as the grant of Ludwell to Robert of Oily in vol. iv. p. 658.) Once or twice the old time is pointed to in the vaguest possible way. In 107, of a small holding in Devonshire it is said, "Almar tenuit *olim*, modo tenet Aluredus Brito." In Exon 8 we are glad to hear of three hides of land and some odd acres that "tenent tainni qui *prius* tenuerunt eas."

Lastly, the Survey itself forms a note of time in its own pages. In Exon, 165, we find the Abbot of Tavistock dispossessed of certain lands by the authority of the Commissioners; "De mansione quæ vocatur Olwritona erat saisitus abbas Tauestochensis *ea die qua rex Willelmus misit barones suos ad inquirendas terras Angliæ*, et antecessor suus ante eum fuerat idem saisitus, et per barones regis inde desaisitus fuit, propter hoc quod testati sunt Angli quod ad abbatiam non pertinuit ea die qua Rex E. vivus et mortuus fuit." The "antecessor" in this case is the English Abbot Sihtric, the Suetricus of the Exon Domesday, who kept his abbey undisturbed till his death in 1082. (See Hearne's William of Newburgh, iii. 709.) From a charter in the Monasticon (ii. 497) it appears that, notwithstanding the judgement of the Commissioners, the abbey kept the lands: the case was again tried in 1096, when the lands were granted to the abbey as a royal gift by a writ of William Rufus.

NOTE C. p. 9.

Unjust Seizures of Land.

The class of entries where it is recorded that a certain man wrongfully holds lands which properly belonged to the King, or to some ecclesiastical body, or to some other private person, form a marked feature in the Survey. In the greater number of cases where the land of a private man has been unjustly seized, it is the land of an Englishman which has been seized by a Norman. It is not however always so, and it is plain that the King and his Commissioners were ready to listen to complaints from men of either race. Among the endless entries of land that had been seized unjustly, commonly by Normans, but sometimes by Englishmen who had opportunities, there are several classes, and we must be on our guard against the hasty conclusions to which we might be led by the legal language and legal fictions of Domesday.

The use of the words "vi," "injuste," "mid unlage," must be remembered; so must the strange freedoms taken by reeves and provosts; and we may put out of sight the cases in which the alleged wrong-doing is a mere dispute as to the extent of the lands of the *antecessor*. But putting all these cases aside, we can see that many acts, acts of real fraud or violence, were done both by Normans and by Englishmen who still had the means. This is no more than we should expect at such a time; but it is to the credit of William and his Commissioners that cases of this kind are fairly entered in the Survey as acts of injustice, which the King was expected to redress. And this was done without respect of persons. There were no worse offenders than William's brothers; and the only entry in which any of his sons is directly mentioned is a case of the same kind (see vol. iv. p. 634). Of the plunderings of Robert of Mortain I have spoken in vol. iv. p. 765. As for Bishop Odo, he spared neither clerk nor layman, neither Englishman nor Frenchman, neither man nor woman. In p. 68, among the lands of the church of Wilton, is one of those cases in which a man gave land to a monastery for the personal maintenance of members of his family who had entered it; "Ipsa ecclesia tenebat ii. hidas T. R. E. quas Toret dederat ibi cum duabus filiabus suis, et ex eis semper fuerant vestitæ donec episcopus Baiocensis injuste abstulit ecclesiæ." Other doings of Odo of the same kind abound in the Survey. So in 31, 31 *b*, Farncombe in Surrey had been held T. R. E. by Ansgod. On his death or confiscation it had passed to one "Lofus," a King's reeve; "Quidam præpositus regis nomine Lofus hoc manerium calumniatur, et homines de hundreda illi testificantur quia tenebat illa de rege quando fuit rex in Wales, et post tenuit donec episcopus Baiocensis in Chent perrexit." This entry may refer either to the King's pilgrimage to Saint David's in 1079, or his warfare on the Welsh border, and perhaps within Wales itself, in the Cheshire campaign early in 1070. In Hertfordshire (139), Humfrey holds half a hide of Eudo the son of Hubert; "Hanc terram tenuit Lefsi præpositus R. E. et vendere potuit. Hanc terram abstulit eidem Lefsi episcopus Baiocensis, et dedit Eudoni, et occupata est super regem." An unlucky holder of thirty acres in Essex (ii. 22 *b*) saw his land in the hands of two tenants of Odo, one of them being a son of our old friend Turold of the Tapestry (see vol. iii. p. 571). These acres "T. R. Willelmi

additæ sunt ad prædictam terram, *et nescitur quomodo.*" Odo however was not satisfied with robbing Englishmen. In 216 the King's chamberlain William held a Bedfordshire lordship which had been held by Leofwine, a man of Earl Waltheof; "Cum hoc manerio reclamat W. camerarius ii. hidas quas ejus antecessor tenuit T. R. E., sicut hundreda testatur, sed episcopus Baiocensis per vim ei abstulit et Adelulfo suo camerario eam dedit." This Adelulfus *may* have been an English Æthelwulf, but he was more likely an adventurer from Flanders, where the name is also found.

Others of William's followers and favourites also held lands which in the eyes of the Commissioners rightly belonged to other men, French or English. The instances of this kind would fill a volume, and many of them have already been spoken of. See for instance vol. iv. p. 737. To take a few examples out of many, Eadward of Salisbury held (p. 69) "unam virgatam terræ quam Croc diratiocinavit sibi pertinere debere;" the Survey adds, "hanc tamen tenet Eduuardus." So we find William of Warren, in 211 *b*, seizing the lands and horses of another Norman ("de dimidia hida et dimidia virgata hujus terræ fuit Willelmus Spec saisitus per regem et ejus liberatorem. Sed W. de Warenna sine breve regis eum desaisivit, et duos equos ejus hominibus abstulit et necdum reddidit. Hoc homines de hundreda attestantur"), and also suborning an Englishman to declare himself his man instead of the man of another Norman. This last curious story is one of several in which the King recommends an Englishman to whom he restored his lands to the protection of some particular Norman; "Hanc terram tenuit Avigi, et potuit dare cui voluit T. R. E. Hanc ei postea W. rex concessit, et per suum brevem Radulfo Tallebosc commendavit, ut eum servaret quamdiu viveret. Hic die mortuus est dixit se esse hominem W. de Warenna, et ideo W. saisitus est de hac terra." In ii. 127 *b* we find a dated case of unjust seizure by Godwine, the uncle of Earl Ralph (see vol. iii. p. 752); "Hanc terram tenuit idem Godricus tres annos de abbate [S. Eadmundi sc.] postquam rex W. venit. Hanc eandem abstulit ei Godwinus avunculus Radulfi comitis injuste." So in Devonshire (110 *b*, and more fully in Exon 465), an Englishman robs an Englishman after William's coming, and afterwards loses both his spoil and his proper inheritance to a Norman; "Tenuit Almerus pariter

die, qua rex E. fuit vivus et mortuus. Hanc abstulit ab Almero Aluuardus filius Tochi per injuriam postquam rex W. tenuit Angliam. Hanc tenet W. [*Capra or Chievre*] cum honore Aluuardi." Did Ælfward do this robbery during the independent existence of the West before the fall of Exeter? A more curious story than all, as showing that a Norman of some importance might hold of an Englishman, appears in Buckinghamshire (151 *b*), among the estates of Leofwine of Newham (see 153); "Hoc manerium tenuit Leuuinus de Newham de rege, et postea T. R. W., de eodem Leuuino tenuit Radulfus Passaquam, et inveniebat duos loricatos in custodiam de Windesores. [See vol. iv. p. 341.] Hunc Radulfum desaisivit episcopus Constantiensis, et liberavit Nigello supra dicto." Another stranger in the same shire, the Lotharingian Bertrand of Verdun, held Farnham in Buckinghamshire, which had been held by Godgifu, Countess of Mantes, so that his possession involved no one's dispossession (151 *b*); "De hoc manerio tenet Goisfridus de Mannevile dimidiam hidam in Elmodesham, de qua desaisivit prædictum Bertrannum, *dum esset trans mare in servitio Regis*. Hoc attestatur hundret." To this wrong is added as a further wrong, that "Radulfus Tailgebosc fecit super terram Bertranni unum molinum qui non fuit ibi T. R. E., ut hundret testatur." The setting up a mill on another man's manor would not only be a trespass, but also a serious interference on his manorial rights. It would seem that a foreign soldier of fortune, who had received his reward in the form of a small or moderate English estate, was hardly safer from the violence of the great Norman lords or their officers than an Englishman was. We may here add the story which I quoted in vol. iv. p. 614. (In Exon, 20, we read again of land "quam Aiulfus dicit reginam perdonasse pro anima Ricardi filii sui.") We must bear in mind that, among the countless grants which William made, he may sometimes have unwittingly granted the same lands to more than one man. The claims of two contending parties may often therefore have been urged in good faith.

I ought to have quoted at an earlier stage (vol. iii. p. 630) another case in which Harold is charged with a seizure of lands in Gloucestershire, 162 *b*; "Has v. terras abstulit Heraldus comes post mortem Regis E." This may have been only some perfectly lawful exercise of the royal power, and at all events the

lands were not restored to their old owner, but were held by the Crown at the time of the Survey. So in 68 *b*, where we read of lands held at the time of the Survey by Eadward's Chancellor Regenbald, "Duo tunc tenuerunt per ii. maneria T. R. E. Heraldus comes junxit in unum." An entry in 99 sounds as if the same Regenbald had been defrauded of land by a Norman tenant of his own; "Ricardus tenet in rode i. hidam quam ipse tenuit de Rainboldo presbytero licentia regis, ut dicit. Reinbold vero tenuit T. R. E." One very curious case, which shows that the Commissioners were not indisposed to do justice to Englishmen even against a powerful Norman, is found in Bedfordshire, 212; "In Middeltone habuerunt ii. sochemani xvi. acras terræ, et suam warrenam in eadem Middeltone dederunt, sed terram suam cui voluerunt dare et vendere potuerunt. Hos sochemanos Robertus de Olgi in Clopeham apposuit injuste, ut homines de hundreda dicunt, quia nunquam ibi T. R. E. jacuerunt." Even in Leicestershire, whence the English land-owners had been so thoroughly swept away (see vol. iv. p. 197), we find one Ælfwine making a claim against Henry of Ferrers (233); "Aluuinus calumniatur socam unius carucatæ hujus terræ, dicens eam ad Scepeshefde regis pertinere." He appears in the same page as having held T. R. E. lands which had passed to Hugh of Grantmesnil and which were held under him by a Norman tenant, and also as himself holding lands of Hugh of Grantmesnil the owner of which T. R. E. is not mentioned. In the Hampshire case quoted in p. 33 of this volume we get an approximate date for the transaction, as the only time when Matilda was in England was between her coming for her coronation in May 1068, and her return to Normandy in 1069. (Orderic, 512 D.) The most likely time for her to be acting in this way on behalf of her husband would be when William was gone northward after the submission of Warwick in the summer of 1068. See vol. iv. p. 188.

There is another class of entries, some of which I have already incidentally mentioned (see vol. iv. p. 726), in which, in the technical language of the Survey, the spoliation might at first sight seem to have been committed, not upon lands, but upon the persons of men. An interference with personal freedom may perhaps be meant in one or two entries, as when in 30, ii. 66, we read such phrases as "abstulit rusticum," "villanum abstulit." Yet as

phrases like "habere liberum hominem" simply mean the rights of a *hlaford*, even in these cases perhaps nothing more is meant than an illegal assertion of rights of this kind. One form of wrong-doing is a good illustration of the process by which personal commendation gradually changed into a feudal holding of land. In some cases the lord who had received—or was held to have a right to—the personal commendation of a particular freeman, further reduced him to the rank of an under-tenant in regard to his land. Cases are found in ii. 5 *b*, 6, 127, 161 *b*. In ii. 276 is a most curious account of such wrongful occupation of a man, in which the lord, no other than Robert son of William Malet, gives up his man as soon as he is legally shown not to be his; "Quia modo tandem cognovit eum non esse de feudo patris sui, dimisit eum in manum regis." Directly after we read of another man, "Quem tenuit W. Malet die quo fuit vivus et mortuus, et Galterus modo de R. Sed Robertus Malet contradicit se nescisse usque adhuc quia fuit inbreviatus."

In some cases the wrong was not inflicted on an individual, but on a community. Thus in Devonshire (Exchequer, 112 *b*) we find an encroachment on a common committed by an English follower of Bishop Geoffrey of Coutances; "Colsuen homo episcopi Constantiensis aufert ab hoc manerio communem pasturam quæ ibi adjacebat T. R. E. et etiam T. R. W. quinque annis." So in Exon, 369, it is less clear; "Hac mansione aufert Golsuenus homo episcopi Constantiensis communam pascuam qui pertinebat villæ tempore regis E. et postquam W. rex habuit *dicam* [I do not understand this word]; habuit eam Goscelmus quidam per v. annos." So in Bedfordshire (214); "In Meldone Johannes de Roches occupavit injuste xxv. acras super homines qui villam tenebant, ut homines de hundreda attestantur." Compare such cases as those at Shrewsbury and Lincoln mentioned in vol. iv. pp. 94, 209.

A vast number of cases of this kind may be made out from those shires, as York and Lincoln, which have special heads of "Clamores," that is to say, of cases in which one man claimed lands which were in the occupation of another. Much also may be learned from the list of "Terræ occupatæ" in the western shires in the Exon Domesday, 457 et seqq. Many of these belong to the class of illegal seizures of ecclesiastical property of which the Survey is very full.

King William himself, or those who acted immediately in his name, were not free from blame on this score. Thus Bexley in Sussex (18) was at the time of the Survey held of Count William of Eu by one Osbern; "T. R. E. tenuit episcopus Alricus [Æthelric of Selsey], quia erat de episcopatu, et post tenuit donec rex W. dedit comiti castellariam de Hastinges." So the church of Worcester (174) had four miles of wood; "Silvæ iiii. leuuedes. Inde rex tulit medietatem *in suâ silvâ*." But the most distinct case appears in ii. 389 *b*, with regard to the lordship of Clare. Here the former owner Ælfric had founded a college, the estates of which were seized by William, perhaps on the ground that the founder retained some rights over the foundation; "Hoc manerium dedit Aluricus filius Wisgari Sancto Johanni T. R. E., concedente filio suo, et quemdam sacerdotem Ledmarum et alios cum illo imposuit. Facta etiam carta ecclesiam et omnem locum Levestano abbati ad custodiendum commisit, et in custodia Wisgari filii sui. Clerici vero hanc terram nec dare nec foris facere a Sancto Johanne poterant. Postquam autem rex W. advenit, saisivit eam in manu suâ." In another case, among the Worcestershire lands of Brihtric (180 *b*), we have the common process by which the leasehold property of a man whose estates were forfeited was confounded with his freehold, to the loss of the Church or other reversionary owner; "Rex tenet Biselie Brictric tenuit, qui et emit illud a Liuingo episcopo Wirecestre iii. markis auri, simul et unam domum in Wircestre civitate, quæ reddit per annum markam argenti, et simul i. silvam una leuuâ longitudine et tantundem latitudine. Hoc totum ita emit et quiete tenuit ut inde non serviret cuiquam homini." At Aldwinkle in Northamptonshire (222), William compels the monks of Peterborough to grant land to a tenant which they had hitherto kept in hand; "Hac terra fuit T. R. E. de victu monachorum. Feron tenet per jussum regis contra voluntatem abbatis." It is added, "Valuit xx. solidos, modo xxx. solidos; *si bene exerceretur*, c. solidos valet." Lastly, we find a case in which land was given up to the King by King Eadward's French favourite Abbot Baldwin. He seems to have dealt fraudulently by a freeman who was commended to the abbey, but whose land was at his own disposal. Lastly, the land came into the possession of the monastery by the profession of William's grantee, and was granted again on lease to the Abbot's brother Frodo. The passage is in ii. 363 *b*; "In

eadem tenet idem Frodo i. liberum hominem Eadrici de Laxefella . . . . hi poterant dare et vendere terram; sed saca et soca et commendatio de femina tantum remansit sancto. Hujus terram rex accepit de abbate, et dedit Guernoni de Peiz; postea licencia regis deveniens monachus reddidit terram."

William often appears as the restorer to the Church of lands which had been lost. See vol. ii. p. 548. (In the Dorset case there quoted the writ and seal of King Eadward commanded also the restoration of the lands of Melcombe which the King still held, and another lordship which Harold was charged with having taken from the church of Shaftesbury was still held by Count Robert.) Thus in 48 Hugh the son of Baldric holds Itchin, which had been held T. R. E. by the Abbess of Saint Mary at Winchester; "Hoc manerium calumniatur abbatissa S. Mariæ et totum hundret, et insuper totus vicecomitatus testimonium perhibet quod in abbatia fuit T. R. E. et regis Willelmi; et juste esse debet." In the margin is added, "Rex W. reddidit eidem ecclesiæ." Compare another case in Gloucestershire (167), where the King's good intentions in this way seem to have been thwarted.

In many of the cases in which Church lands had passed into private hands, we find the same story as in the cases of Brihtric and Godric of Fifhide. Thus in 66 and 69 *b* lands at Potterne in Wiltshire had come to Arnulf of Hesdin by the confiscation of tenants of the church of Salisbury; in the latter case, "Hanc terram clamat Osmundus episcopus. Algarus qui tenuit T. R. E. non poterat ab ecclesia separari." So in 212 we find Clopeham in Bedfordshire in the hands of Miles Crispin; but it is added, "Hoc manerium tenuit Brictric teignus R. E. de abbate de Ramesy; abbas et monachi reclamant hoc manerium, quoniam est et fuit T. R. E. de victu eorum et totum hundredum portat de hoc testimonium." Miles held other lands which had belonged to Brihtric, and along with them he had taken the lands which Brihtric held of the abbey. So in 67 *b* we find this entry among the lands of the abbey of Wilton; "De eadem terrâ tenuit Aluric venator de abbatissâ unam hidam et unam virgatam terræ et dimidiam, ea conditione ut post mortem ejus rediret ad ecclesiam, quia de dominicâ firmâ erat. Modo tenet Ricardus Sturmid." So in 72, 72 *b*, Ralph of Mortimer holds lands which ought to have reverted to Malmesbury and Glastonbury. Of these Toti the tenant of Malmesbury "emit eam T. R. E. de

ecclesia Malmesburiensi ad ætatem trium hominum. Et infra hunc terminum poterat ire cum ea ad quem vellet dominum." The Glastonbury tenant, Ælfwine, "non poterat ab ecclesia separari et inde serviebat abbati." So in Hertfordshire (139), Eadward of Salisbury holds land over which Saint Alban's had a reversionary claim; and in 96 *b* the lands which Ælfwald held of Cerne had passed to William the son of Guy. A case in Essex is somewhat more complicated. Geoffrey of Mandeville holds lands (ii. 57 *b*) belonging to the abbey of Barking. The English owner had stood in a twofold relation; he held land of the abbey, but was personally commended to Geoffrey's *antecessor* ("ille qui tenuit hanc terram fuit tantummodo homo antecessoris Goisfridi, et non potuit istam terram mittere in aliquo loco nisi in abbatiâ"). The commendation went to Geoffrey as stepping into the place of the man's former lord; but this gave him no right over the lands held of another lord by another tenure; nevertheless they were taken possession of. There is a curious story in Bedfordshire, p. 210. William of Caron held land of the Bishop of Lincoln which had been held by the Bishop's man, Ælfwine Deule. He also claimed sixty acres which were held by Hugh of Beauchamp, of which the account is, "Radulphus Taillebosc desaisivit patrem ejusdem Willelmi, qui ipsam terram tenebat T. R. E., ut homines de hundreda dicunt." William of Caron must have been the son either of one of Eadward's French favourites or of an Englishman who had given his son a foreign name. Lastly, Eadward of Salisbury holds two hides of the King which had belonged to Malmesbury (67); "Has abstulit de dominio ecclesiæ quidam abbas Anglicus, et dedit cuidam præposito, et postea uni taino qui nullo modo separari poterat ab ecclesiâ." Then follows, "Wilhelmus quoque de Ow tenet de eadem terra unam hidam quam præstitit abbas Alestano T. R. E." In all these cases the land held on lease was seized along with the freehold, without regard to the reversionary interest of the Church.

These cases which concern the tenants of Church lands have a more personal interest than those which simply record that land had been taken from some ecclesiastical body. Of these the doings in Dorset of Hugh the son of Grippo, sometimes more happily written *Grip*, are a good specimen. He was dead at the time of the Survey, but the lands which he had taken from various churches

were still held by his widow. The formula runs in p. 78, "Hanc Hugo accepit injuste et retinuit, et adhuc uxor ejus detinet." (Cf. Exon, 34.) Yet even the son of Grip made offerings to the Church, taking care however in so doing to defraud the King. In 77 *b* we find among the estates of the church of Cranborn, "Hanc terram accepit Hugo de firma regia, et dedit ecclesiæ huic." Another case of robbery for burnt-offering is found in Middlesex (129), where Robert of Mortain grants to the church of Fécamp lands which properly belonged to the church of Westminster.

On the other hand, there are cases where ecclesiastical bodies appear, not as the sufferers, but as the actors in illegal holdings of this kind. This is one of the advantages which a legal record like Domesday has over a chronicle. In all disputes between a layman and one of their own order the ecclesiastical writers told the story their own way. In Domesday the lion finds a painter. Some of the Commissioners were laymen, and most of the jurors must have been laymen also. In Domesday therefore we find such cases as that of land which a freeman had held T. R. E., but of which we read (ii. 14), "Hanc terram occupaverunt canonici [of Saint Paul] postquam rex venit in Angliam." So directly after of land belonging to Westminster, "Hæc terra calumniata est ad opus regis, quod per falsum brevem venerit ad ecclesiam." It sounds stranger when we read in ii. 16 *b* of a freeman "quem invasit ecclesia postquam rex venit in hanc terram, et tenet adhuc." But the singularity of the expression reaches its height when an Apostle is spoken of personally as the offender. In ii. 13 it is pretty plainly implied that Saint Paul made a false claim to the lands of Navestock; "Nasestocam tenuerunt ii. liberi homines Howardus et Ulsi . . . modo habet sanctus Paulus per totidem, postquam rex venit in hanc terram, et dixit se habuisse ex dono regis;" and in the next entry the Apostle is distinctly charged with the crime of "invasio;" "Aliam Nessetocham tenuit Turstinus Ruffus . . . modo sanctus Paulus invasit."

We come lastly to the cases which are marked by the common phrase "occupatio super regem." The man, whether Norman or English, who held lands for which he could not show a grant under the King's writ and seal was said "occupavisse" or "invasisse super regem." And where there was a "celatio," an attempt to keep the illegal occupation from being known, as well as an "invasio" or

"occupatio," we may suspect that there really was something of fraud or violence. Thus we read in 149 of lands as "occupatas et celatas super regem, ut homines de hundredo dicunt." But in many cases the "occupatio" evidently was a mere holding of lands without a grant from King William. Thus among the lands of Alberic of Vere in Cambridgeshire (199 *b*) we read, "Hanc terram non habuit antecessor Alberici, ut homines de hundreda testantur, sed ipse Albericus super regem occupavit." Alberic stepped into the place of his *antecessor*, Wulfwine by name; he was entitled to all that he had held, and to nothing more. The land now spoken of had not been held by Wulfwine, but by a sokeman of King Eadward, "qui non potuit recedere sine licentia." His land therefore formed no part of the grant to Alberic, and his holding of it was an "occupatio super regem." In another case the "occupatio super regem" is marked, but the ground on which Alberic justified his possession is marked also; "Hanc terram tenuit Godric homo regis E.; non tenuit de antecessore Alberici. Hoc homines de hundredo testantur." Alberic must have tried to prove that Godric had held his land of Wulfwine, and that therefore it formed part of the grant to himself; but the witness of the hundred showed that Godric had not been the tenant of Wulfwine but of King Eadward. Other lands held, not by Wulfwine, but by a priest of Eadgifu the Fair, were now held by Alberic, but were claimed by Earl Alan; "Modo reclamat Alanus comes super homines Alberici, sicut hundredum testatur." Lastly, it is said of lands held by another sokeman of King Eadward, "Albericus de Ver invasit hanc terram de soca regis, sed Picot vicecomes deratiocinavit ad usus eum, et adhuc retinet i. carucatam et ccc. et quater xx. oves quas habet Albericus ex illa terra, ut homines de hundredo testantur." Alberic or his agents must have tried to round off the former estate of Wulfwine by adding to it the lands of smaller land-owners which formed no part of the grant. (Cf. the entry in 137 *b* among the lands of Robert Gernon; "Hanc terram tenuerunt ii. teigni homines R. E. et vendere potuerunt; hanc invasit Willelmus homo Roberti super regem, sed reclamat dominum suum ad protectorem.") In 241 an "occupatio" is made upon King William by another William, a tenant of Thurkill of Warwick, which seems to point to some agreement with the former English owner which the law of the

Conquest did not recognize; "Hujus terræ quintam partem præoccupavit hic W. super W. regem, et ibi manet quidam Brictric qui tenebat eam T. R. E." (Cf. the same phrase in 48 *b* of lands held by Herbert the son of Remigius and claimed by William of Eu.) In 218 *b* a certain Chetelbert seems to have dispossessed another Englishman by the favour of the Lady Eadgyth. He had held part of his land T. R. E., but the words "quando recepit" show that it was formally granted to him again by William. The entry then goes on, "de hac terra tenuit istemet i. virgatam; homo fuit Edid reginæ, et cui voluit dare potuit. Duas virgatas vero et dimidiam occupavit, unde nec liberatorem nec advocatum invenit, quam terram tenuit Alli teignus E. regis." A still more curious story appears in Hertfordshire, 141, where, of four English sokemen who held a hide and a half of land together, one, being the King's reeve, usurped the portions of the other three, to the prejudice of the King. The fuller accounts in the second volume of Domesday are naturally rich in instances of this kind, while many of them are valuable as illustrating points of law and other matters. In p. 99 we find an unusual phrase, "Ricardus homo Hamonis invasit istam terram, et habet hucusque ejus *spolia*." Directly after follows a list of "invasiones super regem," several of which were made by one "Goduinus Gudhen," of course an Englishman. In others, as 273, besides the crime of "occupatio" there was the further crime of "celatio." And in Exon, 469, we find an entry which lets us into the practical effect of these concealments, and why they were looked upon as such a grievous offence; "Willelmus Capras habet i. mansionem quæ vocatur Leia, cui adjacet dimidia virga terræ quæ ita celata est quod rex non habuit gildum. Rotbertus filius Ivonis i. virgam terræ de comite de Moritonio qui hactenus celata est, et de qua ipse gildum detinuit."

A not very intelligible case of "occupatio super regem" is found in 215 *b*. Of lands in Bedfordshire held of Walter of Flanders by one Ælfric it is noted, "Hanc terram tenuit Leuuinus teignus regis in vadimonio T. R. E. Sed postquam Rex W. venit in Angliam, ille ipse qui invadiavit hanc terram redemit, et Seiherus eam occupavit super regem, ut homines de hundredo testantur." The former English owner redeemed his land of Leofwine, but he perhaps forgot further to redeem it of the King. For if he had done so, the "occupatio" on the part of Seiher would have been

committed against him and not against the King. How the land passed from Seiher to Walter of Flanders and his English tenant we are not told.

NOTE D. p. 10.

The Condition of Worcestershire under William.

Our accounts of the state of Worcestershire during the reign of William deserve special examination. Domesday is remarkably rich in this shire, and we draw much help from the cartulary put together by Heming, a monk of the cathedral monastery, which was published by Hearne, and a large part of which was reprinted in the new Monasticon. The affairs of the church of Worcester, especially its disputes with the abbey of Evesham, throw great light on both local and general history. The rulers of both those churches, Saint Wulfstan and Abbot Æthelwig, were among the first prelates in England to submit to the Conqueror. For Wulfstan, see vol. iii. p. 547; and the local historian of Evesham (p. 88) seems to fix the submission of Æthelwig very early after the battle, probably at the same time as that of Wulfstan. How far their submission carried with it the submission of the whole shire I have discussed in vol. iv. pp. 173 et seqq. If we could believe a charter in Heming (p. 413), William exercised royal authority in Worcestershire very soon after his coronation. He makes a grant to Wulfstan, "anno incarnationis Domini nostri Jesu Christi millesimo lxvii. . . . in primo anno regni sui." These words might, by a little chronological stretching, be made to apply to the Midwinter Gemót either of 1066–1067 or of 1067–1068; the intermediate festivals of 1067 were certainly spent in Normandy. But among the signatures are those of Queen Matilda, Bishop Odo, "Willelmus dux," "Rocgerus dux." Now Matilda was not in England at any time in 1067; nor were Odo and William Fitz-Osbern, who must be the person meant by "Willelmus dux," in Normandy during that year. It is hard therefore to see how they could have signed a charter together; and the title of "Dux" given to William and to Roger of Montgomery is, to say the least, unusual.

But these signatures and the others, those of Archbishop Ealdred,

Abbot Wulfstan of Gloucester (see vol. ii. p. 436), "Ricard Scrob," and "Urs minister," introduce us to most of the persons who play a part in Worcestershire history at this time. The position of Ealdred as guardian of the church of Worcester, notwithstanding his alleged spoliation of that church, is asserted in so many words by William of Malmesbury (Gest. Pont. 253; see vol. iv. p. 174), who calls him "tutor episcopatus." He appears in the same character in Domesday. He recovers lands which had been lost to the church, and that in some cases T. R. W., long after he had ceased to be Bishop of the diocese. Thus in p. 173 Bishop Brihtheah had granted certain lands to one Dodda, "sed Ældredus archiepiscopus deratiocinavit eam contra filium ejus T. R. W." So in the next page we find that the name of Dodda's son was Brihtric, which enables us to distinguish this secondary Worcestershire Brihtric from the more famous Brihtric the son of Ælfgar; "Doddus tenet [tenuit?] et est de victu monachorum; Eldredus archiepiscopus diratiocinatus est a Brictrico filio ejus." In p. 173, of lands which were held at the Survey by an Archdeacon named Ælfric, it is said, "Eldred archiepiscopus præstitit suo præposito T. R. E., et quando voluit juste ei abstulit." Other entries of the recovery of lands in which the name of Ealdred does not occur will be found in the same pages. So in Heming's Cartulary, 395 et seqq. (Monasticon, i. 609), two lordships are given by Ealdred to the church of Worcester in the years 1050 and 1061, which he had bought severally of two Thegns named Aki and Godwine. But (see Cod. Dipl. iv. 138) the land which was bought of Aki had been left to the Church by his father Tokig; the son disputed the father's will, and at last only gave up his claim to the Bishop on the payment of eight marks of gold. This looks like some claim of legal right, and we are reminded of Harold and Gisa.

Urse, Ursus, Urso of Abetot, appears in Domesday as Sheriff of both Worcestershire and Gloucestershire; and we hear much of his evil deeds in both shires. Among the estates of Brihtric the son of Ælfgar which were in the Crown at the time of the Survey, were certain salt-works which used to supply twenty-five *sextarii* of salt, but it is added (163 *b*), "Ursus vicecomes ita vastavit homines quod modo reddere non possunt sal." This is one of those touches which show that the Commissioners were not

dead to human feelings. Urse appears as a spoiler of all the three great Worcestershire churches, besides his famous dispute with Ealdred. He also appears in the records of Worcester as guilty, in partnership with his brother Robert, of a systematic spoliation of the lands of that church. See Heming, Cartulary, pp. 253, 257, 267, 268, 269 (Monasticon, i. 594). In several cases the persons despoiled are kinsmen of Bishop Brihtheah. In one case, at Elmley (Monasticon, i. 596), Robert, described as "regis dispensator," is said to have seized it "per potentiam regis;" in another, Charlton, he was "adjutorio suffultus reginæ." This case is more remarkable, because it is said that, on the death of Godric, seemingly the tenant of the convent for the last of three lives, Bishop Wulfstan took possession; and because his possession was disputed by certain Frenchmen ("quidam Francigeni qui hereditates Anglorum invaserunt"), he obtained from the King at the price of a cup of gold a writ and seal securing him in the lordship.

Among other spoilers we find the old enemy, Richard the son of Scrob. One of his robberies must have been done T. R. E. One Earnwig (Monasticon, i. 594), "dives secularis," was a reeve of the church of Worcester, and, reeve-like, he handed over the land to his brother "Spiritus," who was high in the favour of the first Harold and Harthacnut; "Ille denique ex tota Anglia fuit expulsus et in exilium ejectus, et Ricardus Scrob postea terram illam invasit." We hear also more of the nepotism of Bishop Brihtheah, of which Heming (Monasticon, i. 596) bitterly complains, adding that he was a Berkshire man, and had no kinsfolk in his diocese. This story brings in another enemy of the church of Worcester in the form of Earl William Fitz-Osbern, who abetted one Ralph of Bernay, who seems to have been Sheriff of Herefordshire (i. 593), in systematic aggressions on the lands of the monastery. Brihtheah had, without the consent of the monks, granted to his brother-in-law "Ælfintun" and "Sapa." Richard son of Scrob seized one, and the Bishop's brother Æthelric gives the other to his son Godric. From him Ralph of Bernay gets it by help of the Earl, and it was perhaps no great satisfaction to the Worcester monks that part of the lands did in the end go back to ecclesiastical uses on the other side of the sea, through a gift of Ralph of Toesny to Saint Evroul.

In a whole string of other cases the Earl and his satellite appear as spoilers. In p. 259 of the Cartulary (Monasticon, i. 593) we find the history of an estate which was lost in the time of the Danes and was restored by Northman—whether the brother of Leofric or not we are not told—who gave it in the usual way with his son ("cum filio suo quem cum eadem terra ad altare obtulit"). We now read, "Hanc villam Rawulfus vicecomes, adjutorio et fortitudine Willelmi comitis Herefordensis, cum pluribus aliis terris monasterio abstulit." But divine vengeance was not slow to overtake the offenders; the death of Earl William in Flanders was one sign; so was the fate of Gilbert, another follower of the Earl (p. 263).

The way in which the Normans in general are spoken of should be noted. In Monasticon, i. 596, we find such phrases as "Quousque Franci ejusdem terræ dominatum sua vi nobis abstulerunt."

But it is still more curious to compare the way in which the relations between Wulfstan and Æthelwig are spoken of by the historians of their several houses. According to the Evesham History (89), the prudent Abbot, with his knowledge of the world and his favour with the King and with all the great men, proved the best of friends to the simple-minded Bishop. When Wulfstan had his great dispute with Archbishop Thomas, the Abbot lent him two marks of gold, and gave him another. He also exchanged some lands and gave others, for the benefit of the see ("quoniam episcopus erat vir bonus et pater suarum confessionum"). In the Worcester history, on the other hand, Æthelwig appears not as a benefactor, but as a spoiler. Thus in p. 250, Acton, one of the Worcester lordships, passes into the hands, first of Æthelwig, and then of the Sheriff Urse, who gave it in dowry with his daughter. The great dispute between the two churches about the hundred of Oswaldslaw, and the compromise which was at last come to, will be found at length in the Cartulary and in the Monasticon, i. 600, 602. The controversy brings in many names with which we have learned to be familiar, and brings us face to face with the Great Survey itself and with the Commissioners who made it. The court, the *placitum*, the *scírgemôt*, was held by Geoffrey Bishop of Coutances, Urse the Sheriff, Osbern of Herefordshire, described as "filius Escrob," and many other barons. The writ of Geoffrey announcing the

decision is addressed to Bishop Remigius, Walter Gifford, Henry of Ferrars, and Adam. This Adam is of course the son of Hubert of Rye, and thus the persons to whom the writ is addressed are none other than the Domesday Commissioners themselves (see vol. iv. p. 692). The Gemót was doubtless held during the taking of the Survey, and the writ was sent to the Commissioners for the very purpose of fixing the entry to be made in Domesday. It announces that the Bishop has made out the claim of his church to all the property in dispute, and we see the result in p. 172 *b* of Domesday, where the rights of the church of Worcester over the hundred are carefully reckoned up, and the judgement of the Gemót is expressed in the words "Hoc attestatur totus comitatus." On this writ to the Commissioners follows something yet more practical, a writ witnessed by Roger of Ivry, and addressed to Urse and Osbern, bidding them put the Bishop in possession of the lands. Then comes the record of the Gemót itself, the "commemoratio placiti," in which we find a whole string of Domesday names, besides the body of Saint Ecgwine himself in person. And there is an Eadric who had filled the office of steersman to the Bishop of Worcester, as another of the same name (see vol. iii. p. 717) had done to King Eadward himself. We find him in Domesday (173 *b*), and we now get a fuller account of him; "Edricus qui fuit tempore regis Eduuardi stermannus navis episcopi, et ductor exercitus ejusdem episcopi ad servitium regis; et hic erat homo Rodberti Herefordensis episcopi, ea die quâ sacramentum obtulit et nihil de episcopo W. tenebat." "Osbernus filius Ricardi" needs no further comment, nor does "Turchil de Warewicscyre." In "Kineuuardus qui fuit vicecomes Wirecestrescire" (cf. Domesday, 168 *b*, 172 *b*, 173, 174, and Monasticon, i. 594) we see a deprived Englishman bearing witness in the court in which he had once held the chief place. "Siwardus dives homo de Seropscire" is one of the owners of a not uncommon name. Siward appears also in 259 *b*, 260, as holding parts of his own former estate, and as a servant of Earl Roger and of his fellow-witness Osbern. All these details help to bring the men and the events of the Conquest, and, above all, the way in which the Great Survey was taken, more clearly before our eyes.

The Gemót in which the dispute was settled was thus actually a part of the Survey. The dispute itself could not have begun till

after the death of Æthelwig and the succession of the Norman Abbot Walter in 1077. For Æthelwig, according to the Evesham history (88), kept all the lands of his monastery as long as he lived. But Odo (96), "qui tunc temporis sub rege quasi quidam tyrannus præfuit huic patriæ," and who presently after (97) is still more emphatically said to act "quasi lupus rapax," by many and false accusations contrived to get hold of the lands of Evesham, especially the late acquisitions of Æthelwig. The ravening wolf in bishop's clothing next held a great Gemót of five shires (cf. Waitz, iv. 313). In this assembly, or "concilium malignantium," "plus per suam iniquam potentiam quam recto jure," he causes twenty-eight of the thirty-six lordships which Æthelwig had bought to be seized for himself, a large part of which he presently gave over to Urse and his "Ursini." Now in Domesday (176) we read of one of these lordships, "Episcopus Baiocensis tenuit Actune et Urso de eo, de ecclesia sanctæ Mariæ de Evesham fuit T. R. E., et postea Urso recepit de abbate per excambitionem alterius terræ. Modo tenet de feudo episcopi Baiocensis." This shows that even Urse had something to say for himself. But in another case, where the writer appeals to Domesday itself ("Leinch quam Ursini tenent contra Rotulum Winton"), we see that even the gifts of Normans T. R. W. were not always respected by Odo.

The story of this land is one of the most curious in Domesday. Gilbert the son of Turold (176), by leave of King William, gave lands to Evesham for the soul of Earl William Fitz-Osbern, which became a prebend for a particular monk. Then Æthelwig bought some neighbouring land of the King at the price of a mark of gold and some advantages for his soul. But in the end Odo swallowed all, and gave it to Urse, from whom, notwithstanding the entry of the Commissioners, it passed to the "Ursini" of the local writers. But we are not told how two Thegns "et Ælveva quædam femina," who had held the land in better times, were provided for while this care was being taken of the souls and bodies of strangers.

Of the Gemót in which all this was done we have another record in Domesday itself (175 *b*), where we read of Beningworth, "Ipsa ecclesia tenet iiii. hidas ad Beningeorde et Vtam hidam tenet Urso; has v. hidas diratiocinavit Walterius abbas ad Ildebergam [the local writer calls the place Gildeneburge] in iiii. sciris coram episcopo Baiocensi et aliis baronibus regis." Now this

Gemót, unlike the other, cannot have been held during the progress of the Survey, when Odo was in prison (see vol. iv. p. 684). The Survey here records the sentence of some earlier Gemót, and it shows further that the sentence had not been of much force against the chief administrator of the law in the shire. It shows also, like the case of Lanfranc in Kent (see vol. iv. pp. 365, 371), how the great Justiciars were called in when the parties to the suit were too powerful for a local court, or when the presidents of that court were themselves the disputants. Of Hampton, one of the manors kept by Urse, we get the following details (177 *b*); "Hoc manerium emit abbas eidem ecclesiæ a quodam taino qui terram suam recte poterat vendere cui vellet T. R. E., et emptum donavit ecclesiæ per unum textum positum super altare, teste comitatu." And one entry is more interesting than all, as relating to lands held by an Englishman who fell at Stamfordbridge. Of the lands which I have spoken of in vol. iii. p. 361 we read (177 *b*), "Tenuit isdem abbas quamdiu vixit, et etiam successor ejus Walterius abbas similiter tenuit amplius quam vii. annis." As Walter succeeded in 1077, the alienation is fixed as late as 1084. In several of these entries we may mark the witness of the shire in favour of the abbey. Their verdict was probably more trustworthy when given to the Domesday Commissioners than when extorted by Odo.

The third great Worcestershire monastery, that of Pershore, also suffered heavily at the hands of Urse. (See Domesday, 175, 175 *b*.) In one case Evesham is charged with taking what belonged to Pershore; "De hac hidâ dicit comitatus quod T. R. E. fuit de ecclesiâ Persorensi, et tamen tenebat eam Abbas de Evesham die obitûs regis E. sed nesciunt quomodo." In the other case, at Broadway, we again see that Urse could at least pretend a legal claim; "De hac terrâ tenuit unus liber homo T. R. E. ii. hidas et dimidiam, et emit de abbate Edmundo. Hæc terra erat de dominio. Nunc sunt ibi ii. carucatæ in dominio abbatis ad victum. Valebat et valet xxx. solidos. Hanc terram reclamat Urso de dono regis, et dicit quod ipse excambiavit eam contra abbatem propter unum manerium quod erat de dominio."

The churches of Worcestershire certainly seem to have suffered more than those of most other parts of England. Their records

give us a picture of the way in which ecclesiastical property might be dealt with, when strangers in authority were so disposed. On the other hand, they show that, even when things have a very ill look on the ecclesiastical showing, the layman might still find something to say on his side. And, in the midst of all this spoliation, there is one entry (173 *b*) which, while it illustrates a remarkable tenure, also shows that one monastery at least, that namely which was attached to the cathedral church, contrived to flourish and increase; "Hæc hida T. R. E. reddebat in prædicto manerio sacam et socam et omne regis servitium, et est de dominico victu monachorum. Sed præstita fuit cuidam Edgidæ moniali, ut haberet et deserviret quamdiu fratres voluissent et carere possent. *Crescente vero congregatione T. R. W.* reddidit, et ipsa adhuc vivens et inde est testis."

NOTE E. p. 14.

THE USE OF THE WORDS "FRANCI" AND "ANGLI" IN DOMESDAY.

THE name by which William's followers are collectively known both in Latin and in English is always French—"Franci," "Francigenæ," and the like. Distinct as the Normans felt themselves from the proper French, there was no other name which could take in the whole of the mixed multitude of French-speaking people who had followed William to the Conquest of England. Thus arose the legal phrase, common now and long after, of "the King's (or other lord's) men, French and English," forms which, with the needful additions, found their way into Wales and Scotland. In Domesday, as in other legal writings of the time, it is between "French" and "English" that the opposition, when there is any, is always made. The word "Norman" is nowhere found. Normandy is once mentioned in order to contrast its weights and measures with the customs of the half-conquered land of South Wales (162); "In Wales habet istem W. [de Ow] in feudo iii. piscarias in Waie, reddunt lxx. solidos et in eodem feudo dedit Willelmus comes Radulfo de Limesi l. carucatas terræ, sicut fit in Normannia." In the second volume (38) there is another reference to the customs of that country as differing to those of England; "Has terras reclamat [Ranulfus] pro escangio de Normannia."

Such incidental notices of the land from which the King and most of his followers came is not at all what one would have expected from popular notions and popular forms of speech.

In many places in Domesday where "Franci et Angli" are opposed, there is no doubt as to the meaning of the phrase. Thus in ii. 372, in Exon 421, 428, and 445, the "Franci Thegni" and "Franci milites" are distinguished from the English holders of the same rank. So in Exchequer, 62, 138, we hear of "unus miles Anglicus," distinguished in each case from men of lower rank. So in 25 *b*, 68, 69 *b*, 111, 136, 147, 210, vol. ii. pp. 14, 97, 118, 178 *b*, 179, 209 *b*, Exon 20, 22, 60, 346, 455, we find lands entered as being held by "unus Anglicus, duo Angli," and the like, with or without the names of the persons spoken of; and in 67 we have a like entry of "una Anglica mulier" holding of the abbey of Malmesbury. In 155 some tenants of the church of Lincoln are distinguished as "Angli libri homines iii." In 248, in Staffordshire, "unus miles cum uno Anglico" holds in common under Earl Roger. Cf. the entry in 66 which I have quoted in vol. ii. p. 402, Ed. 2. In all these cases it is not clear why these particular people should be specially marked out as Englishmen. In one case (67) the word "Anglicus" is used in Domesday somewhat as "Saxon" is now, as an excuse for not knowing much about the matter. On some lands alienated from Malmesbury the comment runs, "Has abstulit de dominio ecclesiæ quidam abbas Anglicus, et dedit cuidam præposito, et postea uni taino qui nullo modo separari poterat ab ecclesiâ." In some cases the name of the nation is used in recording the grant or restoration of lands to its more lucky members. Thus in ii. 38, "Ricardus [son of Earl Gilbert] dedit cuidam Anglico." So in 371, where the King does justice to an Englishman at the cost of a Norman. A carucate of land was held by Chetil, and the comment is added, "Waldinus habuit, sed rex reddidit Anglico." As French and English knights and thegns are distinguished, so are French and English burghers, as at Hereford (179), where the citizens of the two nations live each according to their own law; "Anglici burgenses ibi manentes habent suas priores consuetudines, Francigenæ vero burgenses habent quietas pro xii. denariis omnes forisfacturas suas præter tres supradictas."

Reference is also often made to the witness of the English and of the French of each district, sometimes with notices of the

different modes of measurement or valuation followed by the two nations. Thus in 114, in Devonshire; "Hanc invasit Radulfus, ut Franci et Angli testantur. Leimar liber homo fuit." So in Exon, 66, we have a whole string of things witnessed "testantibus Anglis" or "testimonio Anglorum." And in 165 the state of things T. R. E. is affirmed by the witness of the English, "testati sunt Angli." So ii. 38 *b*, the French and English agree as to the value of certain lands; "Modo valet l. libras, ut dicunt Franci et Anglici;" while in ii. 18 the witnesses of the two nations did not agree; "Hoc manerium valuit T. R. E. lxxx. libras, et modo similiter, ut dicunt Anglici, sed Franci appreciant c. libras." So in 65, at Melksham; "Hoc manerium reddit c. et xi. libras et xi. solidos ad pensum, Angli vero appreciant ad totidem libras ad numerum." In ii. 23 we get the witness of the English alone affirming certain illegal occupations laid to the charge of Bishop Odo, Robert the son of Wymarc, and others; and of other lands it is said, "Tenuerunt ii. liberi homines T. R. E. . . . et istam terram abstulit eis Ravengarius, et modo nesciunt Angli quomodo venerit in manum episcopi."

In these extracts there is no doubt as to the meaning of the word "Francus." But in other passages the words "Franci" or "Franci homines" seem to mean simply the same as "liberi homines." When "Francus" and "Anglus" are opposed, there is of course no difficulty; but when we read (175) of "placita Francorum hominum," we begin to doubt as to the meaning. So when, in Exon 107, we read how "ostendit O. episcopus cartas suas quæ testantur ecclesiam suam esse inde saisitam antequam regnaret rex Eduardus, et adhuc dicit quod temporibus regis Willelmi de hac terræ placitavit et disraisnavit testimonio Francigenarum esse suam," we go on doubting whether this can mean an assembly from which all Englishmen were shut out. So again it is far from clear when we read in ii. 4 *b*, "Franci homines tenent li. acras," and in 311 *b*, "xxiv. Franci homines de xi. acris terræ;" nor does the matter become much clearer when we find in 42 and 43 *b* two pairs of "Franci homines," Osbern and Ralph, and "Godiboldus" and "Odo." It is certain that men are described not only as "Franci," but as "Francigenæ," who seem to be in very humble positions, and sometimes they bear names which we should hardly have looked for. What, for instance, are we to make of one "liber homo Stigandi Toka Francigine" [sic] in ii. 350?

Was Toka the Frenchman, or Stigand? So in 165 *b* we find classed together "xi. servi et unus Francigena;" and in 169, 174 *b*, 175, "Francigenæ," described in one case as "Francigenæ servientes," are classed along with "villani," "radmanni," and "cottarii." In two cases they hold the lands of Englishmen, and one of them is described as "Artur." "Francones homines," in 241, seems clearly to mean the same as "liberi homines;" for it it is said of them, "Tenuerunt libere T. R. E."

It should be noted that the word "francus" seems to have been used in its etymological sense of "freeman" even under the Frankish dominion itself. See the examples in Waitz, *Deutsche Verfassungsgeschichte*, iv. 276, 284, where "francus" is used as equivalent to "ingenuus," where "franca femina" is opposed to "ancilla," "franci" to "servi," and in one place to "ecclesiastici," that is serfs or dependants of churches. In another place (see p. 297) we hear of "franci pauperiores." We may compare the use of "Germani" in Lombardy, seemingly as equivalent to "Arimanni" or "boni homines." See Savigny, *Geschichte des Römischen Rechts im Mittelalter*, i. 165, 193. In all these cases where reference is made to the supposed etymology of a national name, it is not needful that the etymology should be the true one; it is enough if it be that which was received at the time.

NOTE F. pp. 16, 19, 28.

THE "ANTECESSORES" OF DOMESDAY.

THE word "antecessor" (see vol. iv. p. 37) is in Domesday perfectly colourless. It commonly means a dispossessed Englishman; but it means a dispossessed Englishman simply because the owner who had gone before the actual owner commonly was a dispossessed Englishman. The word is used equally to express a Norman predecessor, when there was one, as when (254) Reginald the Sheriff of Shropshire gave lands to Shrewsbury Abbey "pro anima Warini antecessoris sui," who again appears as "antecessor" in 255 *b*. It is applied equally to the predecessor of an ecclesiastical dignitary, as in ii. 15 the "antecessor episcopi" is Walcher the predecessor of William of Saint Carilef, Bishop of

Durham at the time of the Survey. So at pp. 199 *b*, 201 *b* we hear of the "antecessor" and "antecessores" of Simeon Abbot of Ely. The word is used equally in ii. 259 to express the predecessor of an Englishman who was favoured and enriched by William, and who held the lands of many of his less fortunate countrymen.

The references to the *antecessor*, to the rights derived from him, and to disputes about the extent of those rights, make up a large part of the entries in Domesday. Thus in 31 *b* the canons of Bayeux hold of their Bishop Odo five hides of land at Mitcham in Surrey; "Brictric tenuit de rege E. Ipse habuit vi. hidas et dimidiam, sed unam tenet Otbertus, quam antecessor ejus tenuit in vadio de Brictrico pro dimidia marka auri." Otbert had, either by inheritance or by confiscation and grant, stepped into the place of an *antecessor* to whom Brihtric had pledged part of his estate. Of this *antecessor* he inherited the rights, while the canons inherited the rights of Brihtric; and we may suppose that the canons could have claimed possession of Otbert's land on paying him the money for which it had been pledged. In p. 35 we read, "Picot tenet de Ricardo [filio Gisleberti comitis]. In Ebsa dimidiam hidam quam tenuit Ælmarus sine dono regis, eo quod antecessor ejus Ælmar tenuit." That is, Picot had taken possession of an outlying part of the estate of his *antecessor* for which he ought to have had a special grant. In p. 40, in the entries of a number of Norman tenants of the Bishop of Winchester, it is noted that their "antecessores" "non potuerunt ire quolibet" or "quo voluerunt." That is to say, they could not, for those lands at least, commend themselves to any lord other than the Bishop. The object of the entry is to preserve to the see the same rights over the new grantees which it had held over the former owners. In pp. 45, 48, lands are claimed by Hugh of Port on the witness of the hundred that they had belonged to the *antecessor*. In a curious entry in p. 47, the *antecessor* is not the dispossessed Englishman himself, but the man who held before him by virtue of his office; "Willelmus de Braiose tenet de rege dimidiam hidam. Wenesi tenuit de rege E. ad consuetudinem, sicut ejus antecessor tenuit qui fuit mediator caprarum. Non potuit se vertere ad alium dominum." In another entry, in Berkshire, p. 63, we hear, not merely the complaint of an unlawful occupation, but the further

complaint that the dwelling-place of the lord was moved, accompanied it would seem by the unwilling removement of some of its tenants; "De hoc manerio testatur scira quod non pertinuit ad antecessores Hugonis per quem reclamat, homines autem ejus noluerunt inde reddere rationem. Ipse quoque transportavit hallam et *alias domos* et pecuniam in alio manerio." Here we may perhaps see the actual removal of the wooden houses of the time, as in the Magna Vita Hugonis, ii. 5 (pp. 68–70 Dimock). An entry in 166 *b* has some interest as bringing in the name of an Englishman whom we know personally. Lands in Gloucestershire which had been held by the Staller Bondig were held by William of Eu, to whom they had passed from Ralph of Limesey, but they were claimed by Henry of Ferrars on the ground that they had formed part of the estate of Bondig; "Henricus de Fereriis calumniatur eo quod Bondi tenuerit Willelmi antecessor; tenuit Radulfus de Limesi." In this case the word "antecessor" is applied to a Norman, not to an Englishman; but it shows that the claim derived from an English "antecessor" could be brought up even in the case of lands which have passed through several Norman hands. On the opposite page the possession of the Norman holder is called in question on the ground of lack of right in his English (or possibly British) "antecessor." Of lands in Gloucestershire held by William the son of Baderon we read, p. 167, "Antecessor ejus Wihanoc tenuit, sed comitatus affirmat hanc terram esse de dominicâ firmâ regis in Westberie." In Cambridgeshire (196 *b*) we find a whole history of a piece of land which had gone through a whole succession of wrongful owners. It was held by Hardwine, a tenant of Richard the son of Count Gilbert, who had another English tenant, Wulfgifu; "Hanc terram tenuit Sageva sub Eddeva pulcra, et potuit dare cui voluit; hæc non pertinuit ad antecessorem Ricardi, nec unquam de ea saisitus fuit, sed Radulfus Waders [I think this description of Earl Ralph is unique in the Survey] eam tenebat die quo contra regem deliquit." Here the claims of Richard are looked on as bounded by the possessions of his "antecessor;" but he had got hold of some of the confiscated lands of Ralph of Norfolk without authority. So strong was the habit of referring to the rights of the English "antecessor" that his possession is appealed to by a Norman claiming lands which he had himself actually held, but had been dispossessed by another Norman. Of lands in

Bedfordshire the entry runs, p. 217, "Clamat Nigellus ipse i. virgatam quam tenuit antecessor ejus T. R. E. Ipse Nigellus inde saisitus fuit postquam ad honorem venit, sed Radulfus Tallgebosc eum desaisivit." In another Bedfordshire story (215) we get a strange complication of claimants; "Unam virgatam reclamant homines Willelmi Spec [Espec?] i. acram prati et dimidiam super homines Eudonis dapiferi, et hundredum testatur quod ejus antecessor habuit T. R. E. et alias vii. acras terræ reclamat isdem Willelmus super quemdam hominem Hugonis de Belcamp, unde ipse desaisitus, sed antecessor ejus fuit saisitus. De prædicta terra reclamat Eudo dapifer i. acram super Ruallon [a Briton, doubtless from the Lesser Britain] hominem Hugonis de Belcamp." (We may mark the very small size of the holdings about which these great persons disputed.) The same shire is rich in cases bearing on the rights of the "antecessor," in some of which the favoured Englishman Ælfred of Lincoln (see vol. iv. p. 214) makes claims against Bishop Geoffrey and also against Walter of Flanders. In 216 *b* we get the story of a piece of land the reason for the confiscation of which is given, namely that the English owner refused to pay taxes to the new government. The land was of course held to be forfeited, and a Norman who undertook to pay the tax took possession of it. "Hanc terram tenuit Tovi huscarle regis E. et vendere potuit. Cum ista terra reclamat isdem Osbertus [or Osbernus piscator, the holder at the time of the Survey] unam virgatam et iiiitam partem unius virgatæ quam tenuit antecessor ejus T. R. E. Sed, postquam rex W. in Angliam venit, ille gablum de hac terra dare noluit, et Radulfus Taillegebosc gablum dedit, et pro forisfacto ipsam terram sumpsit et cuidam suo militi tribuit." (Ralph of Taillebois seems to have been dead at the time of the Survey, as in 142 *b* we have the entry of lands of his daughter which had before been held by himself.)

The "Clamores" in Yorkshire and Lincolnshire are specially rich in notices showing how exactly the Norman grantee stepped into the position of the English "antecessor," though in the Yorkshire entries the actual word "antecessor" is less commonly found than in some other parts. Many of them however do not refer to dispossessed Englishmen, but to lands held by Normans which were claimed by other Normans or by the King. A whole crowd of these entries refer to the possessions of William Malet, of which

I have said something in vol. iv. pp. 204, 270, 473. In many cases the lands of William Malet had passed to William of Percy (374), and Robert Malet claims them both from him and from other Norman holders as the representative of the Englishmen who were dispossessed to make way for his father. And there is one the other way, in which the priest Earnwine (see above, p. 746) is declared to be the lawful owner of lands which had passed from William Malet to Osbern of Arques. The lands are described as "Terra Ernuin quam tenet Osbernus de Arcis," and it is added, "testantur ad opus Malet, et dicunt quod Ernuin presbyter debet habere de Roberto Malet; ita testificantur quod Willelmum Malet viderunt saisitum et tenentem, et homines de terra servitium sibi fecerunt et homines ejus fuerunt, sed nesciunt quomodo habuit." The appeal is commonly made to the usual witness of the shire or the hundred, but in one case William of Percy seems to defend his claim by an appeal to a more aristocratic body; "Advocat pares suos in testimonium." We have seen something like this in another case (see above, p. 739), and in both we may see the application of the Old-English law by which the oath of one Thegn was equal to that of several churls. In all these cases, and in that very curious one of Asa the wife of Beornwulf (see vol. iv. p. 204), we have the reference to the antecessor and his lands without the direct use of the word. The "antecessor" however appears by name in p. 373, in which the question was to which of two English owners the land had formerly belonged, as it was claimed by the Norman representative of each; "Tres bovatas terræ et dimidiam quas clamat Radulfus de Mortimer in Lont testimonio hominum qui juraverunt fuerunt Aluuini antecessoris Gisleberti Tison, non Eddivæ cujus terram habet Radulfus de Mortemer." One curious entry (373 *b*) is, "Duo marescalli saisierunt terram Normanni et tenuerunt. Nesciunt homines de wapentaco quonam modo nec ad cujus opus, sed viderunt eos tenentes."

The Lincolnshire "Clamores" are yet fuller and more curious than those of Yorkshire. We may get the history of a certain Witlac, or rather Wiglac, at pp. 375, 375 *b*. The land which had been his is held by Gilbert of Ghent; a claim is raised by Robert the Dispenser, on the ground of Wiglac being his "antecessor," but the jurors report that the land had been lawfully forfeited by

Wiglac to his lord Gilbert, and was therefore rightly held by him ("Homines de treding"—that is the *Trithing* or *Riding*, a division belonging to Lincolnshire as well as Yorkshire—"dicunt quod soca jacet in Gretham et fuit Witlac, et ipse terram exivit et forisfecit." So again, when Robert claims "per Wiglac antecessorem suum," "dicit wapentacum non eum habuisse nisi i. carucatam. . . . Wiglac autem forisfecit eam terram contra dominum suum Gilbertum, et ideo Robertus nil habet ibi testimonio treding".) The same answer is made to another claim brought against Gilbert by the Englishman Cetelberht (see above, p. 758); "Clamat Chetelber i. carucatam super Gilbertum de Gand per Godricum sed dicunt quod non habuit nisi dimidiam carucatam . . . et Chetelber injuste clamat, ut dicit wapentacum, quia antecessor ejus eam forisfecit." There is another story of forfeiture on the part of a Norman, "Raynerus diaconus," who held the lands of more than one Englishman which now passed into the hands of Archbishop Thomas, but which were claimed (375 *b*, 376) by another Rayner of Brimon, in whose favour the wapentake witnesses "quod Raynerus diaconus tenebat ea die qua exivit de hac patria." In 376 *b* the Norman owner claims jurisdiction over lands by virtue of the jurisdiction which had been held by his English "antecessor;" "Clamat Wido de Credun socam super terram Suen per antecessorem suum Wilgrim, et wapentac testatur quia ipse Wilgrim habuit sacam et socam super eundem Suen T. R. E." In 377 Gilbert of Ghent himself, as representative of an English "antecessor," makes a claim which he fails to make good; "Clamat Gislebertus de Gand super Robertum de Veci pratum quod fuit Eilric antecessoris sui, sed wapentacum dicit quod isdem Ælric totum pratum habuit. Nec antecessor Gisleberti inde aliquid habuit nisi per locationem mercedis." Robert of Veci had succeeded to the lands of Æthelric, while Gilbert of Ghent had succeeded to the lands of some one who had rented land of Æthelric. Gilbert, wittingly or unwittingly, claims as freehold the land which his "antecessor" had held as a mere tenant. Lastly (377), among the crowd of English "antecessores" is one whose name sounds strange as the antecessor even of King William's *quasi* son-in-law, but who would have upset the whole law of the Conquest if he had appeared as the "antecessor" of King William himself; "In Bennington clamat Alanus comes x. bovatas

terræ; sed wapentacum dicit quia pertinent ad Carletun manerium Willelmi de Warrenâ, et *Hèroldus comes antecessor ejus* habuit ita."

There are a good many entries of claims made by the Bishops of York, Lincoln, and Durham, sometimes against laymen, sometimes against one another, while claims were sometimes made against them. Of many claims of Archbishop Thomas, some are declared to be good and others to be groundless. Let us take one of the latter class, 375 *b*; "De calumniâ quam archiepiscopus Thomas faciebat, hoc est quod debebat habere socam super terram Siward antecessoris Ivonis Tallebosc, dicit wapentacum et treding quod Siward tam bene tenuit terram suam cum sacâ et socâ sicut tenuit Godwinus antecessor archiepiscopi, et ideo non recte clamat." Here, and in many other cases, the "antecessor" is not an ecclesiastic. In 377 *b* we find the word in its ecclesiastical meaning. Earl Alan held a carucate of land belonging to Saint Bene't of Ramsay; "Remigius episcopus clamat, et wapentacum portat ei testimonium quod Wluui antecessor suus eam tenuit de sancto Benedicto T. R. E." Here Remigius of Lincoln steps exactly into the place of Wulfwig of Dorchester.

Many entries in these "Clamores" show the legal equality of Englishman and Norman, how freely each made claims upon the other, and how both could venture to bring claims against King William himself. The fortunate Englishmen Coleswegen and Ælfred of Lincoln bring many claims, and they have claims brought against them by divers men, French and English. Thus Ralph of Paganel claims (377) lands held by Coleswegen, and the report of the Wapentake is, "quia Merlesuen eam non habuit antecessor Radulfi." In p. 362 *b* we shall find Ralph of Pagenel holding large estates which had belonged to Merleswegen. On the other hand, in 377 *b* we find Robert of Stafford and Coleswegen claiming two mills at Barchestone. So in p. 375 Ælfred of Lincoln makes a claim on Ilbert of Lacy and another on the Englishman Ketelberht, while Siward Buss makes a claim upon him. But the three most striking entries are the following;

"In Summercotes hundredo clamat Aluredus de Lincole dimidiam carucatam terræ super regem in Gereburg" (375).

"De silva minuta quam clamat Robertus dispensator super regem in Gaintone, et super Ernegis de Burun in Waragebi, nihil ibi habet testimonio wapentac" (375).

"Colsuan calumniatur ii. bovatas terræ et i. hortum super regem in Cherchebi de terra Morcari comitis quam tenuit Torchil" (377).

In the second case the witness of the Wapentake is distinctly against the claimant. In the first and third, the jurors seem to speak with a rather uncertain voice. The answer which Ælfred gets is, "Treding dicit quod non habet ibi nisi ix. acras et dimidiam et unam toftam unde jacet soca in Gedtune manerio regis." The answer to Coleswegen is, "dicit wapentac qua et soca fuit comitis Morcari, et neque jacet hæc terra in aliud manerium."

In the second volume, with its fuller entries, many of the notices bear on the practice of commendation, and show the distinction between mere personal commendation according to Old-English custom and the surrender of lands to be held by a new tenure. In 69 *b* a tenant of the former English owner went on holding under the Norman grantee Robert Baignard; "Huic manerio adjacet adhuc dimidia hida quam tenuit i. sochemannus antecessoris Baignardi et adhue tenet." The antecessor was a woman, "Ailid [Æthelgyth ?] quædam femina libera." Still the masculine form of the noun is used, and in 106 *b* we find distinctly "Alflet sua antecessor." The just claims of the "antecessor" are pleaded in 29 *b*, where Count Eustace holds five freemen, "quia antecessor suus saisitus fuit." And in 75 we get his wrongful claim; "Plumtunam tenet Ravenot de R[anulfo Peperello] quod tenuit Ulu-ricus presbyter de Heroldo [the Earl or another ?] pro xiiii. acris libere, et modo habet R. ideo quod antecessor ejus fuit saisitus, sed non pertinuit ad eum sicut comitatus testatur." An entry in 292 shows the business-like way in which the freemen who held of the "antecessor"—that is of course their services and not their persons—are marked as handed over to the new lord; "In Morestuna v. liberi homines. Goduuinus homo Aluu-ricus presbyteri, et Wlfere et Brihtricus homines antecessoris R. Bigot, et Uluuinus homo antecessoris R. Malet, et Godricus homo Godeman antecessoris R. Bigot." In 240 the "antecessor" is balanced by his natural antithesis the *successor;* "Hoc totum tenuit Lisius pro uno manerio; modo tenet Eudo successor illius."

In the Exon Domesday, instead of *antecessor* the word used is *prædecessor*. We here find endless instances which illustrate the way in which William commonly gave to his grantee all the lands which had been held by such a man in such a district. Hence the phrase

"terra" or "terræ A" or "B," marking the extent of the grant to the new owner. Hence too constant disputes in which one man complains that another had taken something which formed part of the "terra A" or "B" which had been granted to him. Thus in 96 *b*, 113 *b*, at the end of the lands of Ralph Paginal, in Somerset and Devonshire respectively, we read, "Has terras prædictas" or "omnes tenebat Merlesuain T. R. E." The whole lands of Merleswegen in these two shires had been granted to Ralph in a lump. So in 97, "Hæc terra est addita terris Aluui quas Aluredus [Ælfred of Spain] tenet." So in 101 the lands of Brihtric in Devonshire are given in one grant to Queen Matilda; "Infra scriptas terras tenuit Brihtric et post Mathildis regina." So in 105, 106, we find examples of the way in which, along with some particular man's land, the land of some one or more other persons was thrown in to round off an estate. We find, 104 *b*, "Has prædictas xvii. terras tenet comes Moritonensis cum terra Edmur Atre quæ ei deliberata est; nam libere eas tenebant T. R. E. supra dicti taini." So in one of the Devonshire lordships of Gytha held by the King (100 *b*), "Huic manerio est addita terra duorum tainorum quam tenebant libere T. R. E." The disputes between Norman grantees as to the extent of the former owner's land are very common. In Bedfordshire (215), a claim is brought against Robert of Oily in the name of Eudo the son of Hubert; "Hanc clamant homines Eudonis per antecessorem domini sui, cujus terras omnes W. rex sibi donavit." We find in Herefordshire, 181, a good case of this technical phrase, where the land granted was not an immediate grant from the King, but where again the King has a claim made upon him. This was Harold's possession at Radnor (see vol. ii. p. 684, Ed. 2), fifteen hides of waste land, of which it is entered that "Hugo Asne dicit quod W. comes hanc terram sibi dedit, quando dedit ei terram Turchil antecessoris sui." This Hugh the Ass appears in p. 187 as holding many lordships, some of which had belonged to Thurkill the White ("Turchil uuit"). Can this be the same "Durcil Hwita" whom we heard of in the same shire in Cnut's days? (Cod. Dipl. iv. 54. See vol. i. p. 653, Ed. 2.) Sometimes the technical phrase is turned about the other way, as in 234, "Has terras Roberti tenuit Æilric filius Meriet T. R. E. et liber homo fuit."

Among all the ways in which the new grantee is spoken of, the most remarkable of all are those where the intruder is actually

spoken of as the *heir* of his predecessor. Thus, in a most remarkable Hampshire story (44 *b*), which I have already referred to (see above, p. 738), a Norman owner claims land "per hereditatem sui antecessoris." So in 46 *b*, "Hoc manerium T. R. E. extra ecclesiam emptum fuit, eo pacto et conventione ut post *tertium heredem* cum omni pecunia manerium ecclesia Sancti Petri de episcopatu reciperet. Nunc qui tenet Radulfus est *tertius heres*." The land was, as usual, bought of the Church for three lives. The dispossessed Englishman was the second, and Ralph of Mortemer is calmly spoken of as his heir. We find the same expression in another case, where the so-called heir was Urse of Abetot himself. In 175 we have a lease granted by the church of Pershore; "Hanc emit quidam Godricus teinus Regis E. vita trium heredum et dabat in anno monachis i. firmam pro recognitione. Modo habet hanc terram *tertius heres*, scilicet Urso qui eam tenet, post cujus mortem debet redire ad ecclesiam S. Mariæ." The object of these entries was to mark that, according to the terms of the original grants, the land would revert to the Church on the deaths of Ralph and Urse. This was an important point, as the Norman grantees were so apt to disregard the difference of tenure on which the lands of the *antecessor* were held, and to seize as their absolute property lands which he had held subject to a reversionary claim on the part of the Church or the Crown.

NOTE G. p. 19.

Leases and Sales in Domesday.

Both in Domesday and in the Charters we find endless cases of that class of leases of Church land spoken of in the last Note. The grantee bought—"emere" is the common word—the lands, whether any service was due for them or not, but subject to the right of the Church which revived at the expiration of the third life. In these cases the Church found it very hard to get possession. The heir often struggled to keep the lands, and nothing is more common than a compromise by which disputed lands were to be held by the actual possessor for life and to revert to the Church at his death. And the difficulty was just as great in a dispute between two laymen or between two churches as it was

between the Church and a layman. (See the stories in vol. ii. p. 46, and iv. 257.) In Cod. Dipl. iv. 138, Aki the son of Toki keeps back the land which the church of Worcester was to inherit on his father's death, and gave it up to Bishop Ealdred only on the receipt of eight marks of the finest gold, confirmed by a charter signed by the King, the Lady, Earl Leofric, and other great personages. And there is a story more curious than all in Domesday, 177. One Wulfwig, the father of Leofwine Bishop of Lichfield, bought lands in Worcestershire belonging to the see of Lichfield for three lives. He seemingly wished to win the credit and merit of a benefactor by giving up the third life. The Church was to resume possession on the deaths of himself and his wife, which, as the Bishop was their son, was no great sacrifice on the part of the family. The dying speech or nuncupative will of Wulfwig is given at length in Domesday;

"Hoc manerium emit isdem Wulfwinus T. R. E. de episcopo Cestrensi [Lichfield T. R. E., Chester T. R. W.] ad ætatem trium hominum. Qui quum infirmatus ad finem vitæ venisset, vocato filio suo *ẽpo Li* [this must mean Leofwine] et uxore suâ et pluribus amicis suis, dixit, Audite, vos amici mei; hanc terram quam ab ecclesiâ emi volo ut teneat uxor mea dum vixerit, et post mortem ejus recipiat ecclesia de qua accepi, et qui inde abstulerit excommunicatus sit."

So witnessed the best men of the whole shire; yet at the Survey the land was not held by the church of Lichfield (or Chester), but by William the son of Ansculf. This looks as if some lay representative of Wulfwig had contrived to keep the lands, and had lost them, like other Englishmen. At all events the anxiety of Wulfwig shows the danger that there was that his intentions would not be carried out, even though his son was Bishop.

We have already seen some cases in which Bishops and Abbots granted out the estates of their churches to their own kinsfolk, and how it often happened that such lands were not restored to the church, but passed into the hands of the King or his grantee. So in p. 180 we find lands which had belonged to Æthelric the brother of Bishop Brihtheah, which had passed into the King's hands. So in a Buckinghamshire estate in p. 144, Godric the brother of Bishop Wulfwig holds a lordship of his brother which "non potuit dare nec vendere præter ejus licentiam." In this case the land was still

held at the Survey by a Norman tenant of the bishoprick. In 143 *b* is a curious case in which, without any alienation to the King or to any other great person, the smaller tenants of the church defrauded their lord of his dues; "Adhuc etiam de unoquoque sochemanno i. acram annonæ aut iiii. denarii solvebantur huic ecclesiæ T. R. E. sed post adventum regis W. redditum non fuit." So in the case of Brihtric quoted in p. 753, a leasehold estate had come into the hands of the King through the forfeiture of the tenant. So in p. 66; "Aluardus tenet iii. hidas quas Wluuardus Albus T. R. E. ab episcopo H. emit in vitâ suâ tantum, ut postea redirent ad firmam episcopi, quia de dominio episcopi erant." In Cambridgeshire, p. 201 *b*, we find the lands held of the abbey of Ely by one of its officers transferred to the Sheriff Picot. There are also a good many cases in Wiltshire, Dorset, and Somerset, in which the lands held by the tenants of ecclesiastical bodies had passed away to lay owners. Thus in p. 72 we have an entry showing how freely the land was held by the tenant during the time of his lease; "Toti emit T. R. E. de ecclesiâ Malmesburiensi ad ætatem trium hominum, et infra hoc terminum poterat ire cum eâ ad quem vellet dominum." In p. 80, among the possessions of Eadnoth the Staller (see vol. iv. p. 758), he had in this way bought lands for life of Bishop Ælfwold of Sherborne. In one case it is said, "Hoc manerium emit Alnod ab episcopo Alunoldo tantum in vita sua, tali conventione ut post ejus mortem restitueret ecclesiæ;" but all had passed to Earl Hugh. Cf. pp. 82, 97 *b*. Wulfward the White, who appears in one of these cases, appears again in the story quoted in p. 744. See also pp. 43, 67 *b*, 82. In p. 47 Ralph of Mortemer holds the lands which a certain Cheping had held of all manner of lords and by all manner of tenures, of King Eadward, of Earl Harold, and of the bishoprick of Winchester. Three estates held of this last church had passed away, as to one of which the reversionary right of the church was asserted by the Commissioners. Their report stands thus;

"Cheping tenuit de episcopo et de monachis, *et semper fuit* de monasterio, sed concessa est eidem in vita sua tantum tenere et post mortem ejus ad ecclesiam debebat redire. *Hoc monachi dicunt.* Sed hundred nil scit de conventione, *sed hoc scit quia* de monasterio fuit *et geldum non dedit, nec modo facit, et nesciunt quare remansit.*"

In p. 139 we find a woman named Wulfwen holding of the abbey of Saint Alban's, with the reservation that "non potuit mittere extra ecclesiam, sed post mortem suam redire debebat ad ecclesiam." But the land, with much other land of Wulfwen's, had passed to Eadward of Salisbury. In p. 257, Eadric, whether the Wild or any other, held lands in Shropshire of the Bishop of Hereford, "et non poterat ab eo divertere, quia de victu suo erat, et ei prestiterat tantum in vita sua." At the time of the Survey however the land was held by William of Warren of Earl Roger. Cf. vol. iv. p. 805, where Oger the Breton, as he held other lands of Hereward, probably claimed the Crowland leasehold as part of the "terra Herewardi."

Other instances will be found in the second volume, as among the lands of Saint Bene't of Hulme in 219 *b*, and those of Saint Eadmund in 286. In p. 372, the will of an Englishwoman called Leofgifu seems to have been respected through the influence of Lanfranc. The Archbishop held "ad victum monachorum," seemingly of Christ Church, lands of which the entry runs thus; "Dimidiam carucatam ex hac terrâ dedit hæc Leveva sanctæ Trinitati post mortem suam pro aliâ dimidiâ carucatâ quam tenebat de archiepiscopo in vitâ suâ. Hæc conventio facta est tempore Regis E., et Leveva vivebat tempore R. Willelmi, et erat inde saisita. Hanc terram calumniatur Johannes nepos Walerani et eam tenuit sanctus E. et totam socham et sacam." But a freeman named Beorn, in the next page, was less lucky; for the lands which he bought of the Abbot of Ely wandered about among a singular number of owners; "Hanc emit ipse Beornus liber homo ab abbate, ea conventione quod post mortem suam rediret ad ecclesiam sanctæ Ældredæ, testante hundredo. Hanc tenet Ro. Bigot de episcopo et W. de More de eo. Hæc tria maneria tenuit R. comes [Ralph of Wader] die quo se forisfecit, et Illarius de eo." Cf. the history of the lands of Saint Eadmund in p. 444.

Lastly, we have the story of the lands of Ely, of which I spoke in vol. iii. pp. 69, 70. We find three entries of lands answering this description among the lands of Hugh of Montfort in Suffolk. First, in 406 *b* we find a whole string of estates which had been Guthmund's but were now in the hands of Hugh. Of one of them it is said, "Istud supradictum manerium Nachetuna tenuit Gutmundus die quo rex Edwardus obiit de sancta Edeldryda, ita quod non

potuit vendere nec dare de ecclesia per istam conventionem, quod post mortem suam debebat redire in ecclesia in dominio et hoc testatur hundret." In this case the alienation seems not to have been so complete as might be thought from the local history. In 410 *b* we have another entry, where it is said, "Tenuit Gutmundus de Ulurico fratri suo abbate de Eli." In 427 we get another reference to Guthmund as the *antecessor* of Hugh of Montfort, though without any mention of the rights of the abbey. Guthmund, who was one of the endless kinsmen of King Eadward, evidently held large estates in those parts, which the grants or leases which he had from his brother were meant conveniently to round off.

With these alienations of Church lands, nominally under the form of a lease, but with a great tendency for the lands to stay in the family of the lessee, we may compare the treatment of Church lands by Charles Martel in the eighth century as set forth by Waitz (*Deutsche Verfassungsgeschichte*, iii. 13 et seq.). The lands were granted out to laymen, but with a reservation of the reversionary rights of the Church which it was not always found easy to put in force. Powerful men doubtless often extorted leases which the Bishops or Abbots would not have granted of their own free will. But when the word "emere" is used, the transaction was doubtless a fair one, except so far as the actual incumbent may have enriched himself at the expense of his successors.

On the other hand, the Church is often, not the seller but the buyer. Archbishop Ealdred was a great buyer of land, and the validity of his purchases was sometimes called in question. (See vol. iv. p. 205, and above, p. 775.) In 376 *b* (cf. 340) the Archbishop buys land in Lindesey, but is turned out of his purchase by a man who cannot be traced elsewhere in the Survey, and whose name leaves his nationality open to doubt. But at all events the Archbishop's right was confirmed by King William's writ and seal; "Archiepiscopus Ældredus adquisivit Lavintone et Schillintone cum Berewita Harduik de Ulf Tope sune pro pecuniâ suâ quam ei dedit, vidente wapentac, et postea viderunt sigillum regis per quod resaisitus est de ipsis terris, quia Hilboldus eam dissaisierat de eis." So we find (238 *b*) the Abbot of Coventry buying land of Osbern the son of Richard which had belonged to the wife of Harold (see vol. ii. p. 630). So in the next page the Abbot of Abingdon, probably Adelelm, buys lands of Thurkill of Warwick (see vol. iv. p. 782).

Of private sales and pledges of land there are many entries in the Survey. But in William's reading of the law such a sale needed the King's licence, perhaps on the same principle by which the tenant of a copyhold disposes of his land by the legal fiction of surrendering it to the lord, who grants it out again to the purchaser. Thus in 160 *b* it is said of Ælfwine the Sheriff (of whom more in vol. iv. pp. 119, 780), "Hanc terram emit ab eo Manasses sine licentia Regis." So in 49 the lands held by Geoffrey the Chamberlain of William's daughter Matilda (see vol. iii. p. 660) had been held by an Englishman named Ælfsige, but the land was claimed by Odo of Winchester, as pledged to him by its English owner with the King's leave; "Hanc hidam calumniatur Odo de Wincestre, dicens se illam habuisse in vadimonio pro x. libris de Alsi concessione Regis W. et ideo injuste eam perdidit." So in ii. 79, 79 *b*, we find Peter of Valognes twice holding land in pledge, once "jussu regis," once "concessu regis." Compare the entry at Mundiford in p. 87. Another more curious story is found in the borough of Bedford (p. 218), where it is implied that a purchase made by a burgher named Godwine after King William's coming was invalid for lack of the King's consent; "Dimidiam hidam de hac terrâ iste qui nunc tenet, tenuit T. R. E. quam potuit dare cui voluit. Dimidiam vero hidam et iiiitam partem unius virgatæ emit postquam rex W. in Anglia venit, sed nec regi nec alicui inde servitium fecit, nec de ea liberatorem habuit." (The entry goes on to speak of a claim which William Spech (see above, p. 772) made on Godwine for land "quæ sibi liberata fuit et postea perdidit.") Then comes an account of another burgher named Ordwig, in nearly the same words.

There are however many sales and pledges recorded in Domesday in which the King's licence is not thus formally rehearsed. See the stories in vol. ii. p. 643, and iv. pp. 31, 759. At Blandford (80 *b*) William of Eu holds the lands of an Englishman who seems to be called confusedly Tol, Tholi, Tou, and Toul; with these he had taken a piece of land which the Englishman held only in pledge, and which ought to have passed to Ralph of Limesi. In p. 82 other lands also held in pledge by the same Englishman have passed to a Norman tenant of the Count. See also the case of Leofwine and Seiher quoted in p. 758. There is more of legal regularity in two transactions in Warwick-

shire, in both of which the land is bought of an Englishman by royal licence, in the one case by a Norman, in the other by a man of doubtful race. In one case (241 *b*), "Eduuinus tenuit libere T. R. E. Erminfridus [the name of the famous Bishop of Sitten, but it has the true ring of the old Kentish royal house] emit a Chetelberto licentiâ et tenet de rege in feudo sicut testatur brevis regis;" yet Erminfrid or Eorminfrith held his land of Thurkill of Warwick, which looks like an "occupatio" on the part of Thurkill. In the other case (242) Robert of Oily buys land of the Englishman; "Aluricus libere tenuit T. R. E. hanc terram; emit ab eo Robertus licentiâ regis W." In a Lincolnshire story in p. 367 certain lands which had been held by one Offram were now held by Guy of Creden; "Hanc terram disvadiavit Hernald filius Ansgot antequam Wido fuit saisitus de terrâ Offram, et post habuit semper Wido servitium." Hernald must have had a grant of the lands of the man who had pledged the land to Offram, and, thus coming into the liabilities of his *antecessor* as well as into his rights, he had paid off the money to Offram. Afterwards Offram's lands must have been partially confiscated—I say partially, because he appears in p. 371 as himself a land-owner—and the forfeited lands were granted to Guy. Guy then construed the grant so as to take in the land which Hernald had redeemed, and Hernald seems to have found it expedient to admit his superiority. In vol. ii. p. 280 the rights of the *antecessor* are in the same way handed on to the grantee of his lands; "Hanc terram tenuit Gualterius Canud, propter hoc quod suus antecessor habuit in vadimonio pro xvi. solidis T. R. E." So in Exon, 432; "Ricardus interpres habet i. hidam terræ in Rodâ quam ipse emit de Rainboldo sacerdote [Eadward's Chancellor ?] per licentiam regis, ut dicit qui tenuit eam die quâ rex E. fuit et mortuus." It seems that those lands which Regenbald held in his personal character, and not as an ecclesiastical benefice, had to go through the form of a regrant by the new King, so that a sale of them would need the royal licence. Lastly, in two cases a brother buys another brother's share of the father's lands which had been divided between them. In Leicestershire, p. 233, we read, "Hanc terram tenuerunt ii. fratres per ii. maneria, et postea emit alter ab altero partem suam, et fecit unum manerium de duobus T. R. E." The land however had at the time of the Survey passed away to two Norman tenants

of Hugh of Grantmesnil. But a Warwickshire Thegn named Leofwine (p. 244 *b*) had been more lucky, as he still held of the King the land of which it is said, "Leuuinus emit ab Alwino [perhaps the Sheriff, see vol. iv. p. 780] fratre suo." But of another estate of Leofwine we read, "Hanc terram dixit Leuuinus se tenere de Vlstano episcopo, sed episcopus ei defecit in placito, unde ipse L. est in misericordia regis." Instead of "emit" the rarer form "mercatus est" appears in ii. 204 *b*, where a freeman who had been commended to the "antecessor" of Roger Bigod held half an acre of land "quam mercatus est postquam Radulfus forisfecit de terra Rogeri." The sale of so very small a holding is worth notice.

NOTE H. p. 20.

THE USE OF THE WORD *vis* IN DOMESDAY.

THE peculiar use of the words *vi*, *per vim*, and words of the same force in Domesday might easily be mistaken. See vol. ii. p. 548, iv. p. 760, with regard to Harold and the Kentish Æthelnoth. All such phrases simply answer to the English formula "mid unlage" (see vol. ii. p. 549), just as to this day the legal phrase "vi et armis" does not necessarily imply the presence of force or arms in the literal sense. What is meant by "vis" appears from the story in p. 136 *b*, which I quoted in vol. i. p. 587, Ed. 2. The *vis* simply was that the wife of Godwine defrauded the church of Westminster by an illegal commendation to Eadgifu. And she must have done it during the lifetime of her husband, for at the time of the Survey Godwine still held part of the land, only neither of Eadgifu nor of Westminster, but of Count Alan of Britanny. We read however, "De hac terra sumptæ sunt xvi. acræ post adventum regis quas modo tenet Anschitillus de Ros sub archiepiscopo." Another remarkable instance of the use of the phrase "per vim" is found in the entry about Harold and Gyrth quoted in p. 742. So again in p. 375 there is an entry of lands in Lincolnshire which gives us a whole family history. A nameless Englishman T. R. E. had left three sons, Harold, "Godewert," perhaps Godward, and Ælfric. The land was equally divided among the three, but the soke,

the judicial rights, passed, for whatever reason, to Harold and Godward only without Ælfric ("Herold et Godewert et Aluric diviserunt dominicam terram patris sui æqualiter et pariliter, et solummodo Herold et Godewert diviserunt socam patris sui sine tertio fratre, et æqualiter et pariliter tenuerunt eam T. R. E."). Harold may have died during the reign of Eadward; Godward plainly did so, for at the time of Eadward's death the soke was in the hands of the sons of Godward only. The witness of the men of Horncastle, confirmed by the whole wapentake, runs thus; "Quod prædicti duo fratres æqualiter et pariliter habuerunt socæ T. R. E.; sed eo anno quo isdem rex mortuus est filii Godewert habebant socam totam, sed nesciunt quâ ratione eam habebat, utrum *vi* vel dono patrui sui." Here there can be no charge of actual violence. The men of the hundred merely say that they know not whether the sons of Godward held the soke by gift or bequest from their uncle or by any illegal means, and they use *vis* as the alternative to express any illegal occupation of any kind. All these details are brought in simply as evidence to decide the rights of two Norman competitors, who in this case were the Bishop of Durham and Eudo the son of Spirewic. From 359 *b* it would seem that Eudo had succeeded Harold and Godward—though their names seem there to be turned into Godwine and "Goneuuate"—and that the Bishop had succeeded Ælfric.

In another place in the Lincolnshire "Clamores" (376 *b*) the same phrase seems to be applied to a village community, who failed to pay a rent which was rightfully or wrongfully claimed of them; "Homines de Nauenebi detinent *per vim* xvi. solidos, de consuetudinibus pascuarum quæ sunt in Scapeuuic in Cherchebi, et non dederunt eos in die regis Eduuardi." If the shillings had not been paid in the time of King Eadward, it is not clear why they should have been paid in the time of King William. But the act of the men who failed to pay them could in no case have had anything in common with violence in the ordinary sense. Compare other uses of the same word in the same page and in p. 166.

NOTE I. p. 24.

THE KING'S WRIT AND SEAL.

THE necessity of the King's grant for the lawful possession of any property is the principle on which all the doctrines of Domesday are founded. And the great advantage of having the King's writ and seal as the surest witness of the grant is shown by a great number of cases. The verb "inbreviare" happily expresses the process. Many entries show the danger of being without it. Several instances in Surrey will be found in p. 32. One especially to be noticed is that of Weybridge, where we read that at the time of the Survey it was held by one Herfid of Bishop Odo. We are there told, "Duæ sorores tenuerunt T. R. E. et quo voluerunt cum terra se vertere potuerunt. . . . Quando episcopus hanc terram saisivit, liberatorem vel brevem regis inde non habuerunt, sicut hundreda testatur." That is, they omitted to buy back their land in due form from King William, and Odo took advantage of this negligence to seize the land and grant it to one of his followers. So in the case of Earnwine in the text, the "occupatio super regem" means nothing more than that he took possession of his father's land without going through the proper formalities. So in a Sussex case in ii. 447 *b*; "In Kavanadisc invasit Aluricus, frater Edrici prædicti et homo Witgari, medietatem fratris sui lx. acras." Some further illustrations of this point will be found in the Hampshire entries in p. 50. A King's Thegn, Ælfwig the son of Turber, holds several lordships, some of which were held T. R. E. by Wulfgeat, perhaps a kinsman, and others by other English owners. In one case (see vol. iii. p. 730), two of the three freemen by whom the land was held T. R. E. had died at Senlac, and the survivor of the three, Ælfwine the Red, omitted to secure his property by a writ from William. From him the land had passed to Ælfwig, whose right was liable to be called in question because of this omission on the part of his "antecessor." The passage stands thus; "Dicunt homines de hundreda quod nunquam viderunt sigillum vel legatum regis qui saississet Alwinum Ret antecessorem ejus qui modo tenet de isto manerio, et,

nisi Rex testificetur, nichil habet ibi. Duo ex his qui tenuerunt occisi fuerunt in bello de Hastinges." With regard to one of the holdings of Wulfgeat which had passed to Ælfwig, there was a doubt as to the right to a part of the land, on which we are told "inde habet Aluui sigillum Regis E." The writ of William was needed for legal possession of the land; but as William's writ would doubtless grant to him such lands as he himself held, or such as had been held by his predecessor, the writ of Eadward was evidence to show the extent of those lands. Immediately after, another Englishman holds the lands which he had held T. R. E.; part is claimed by the Sheriff as belonging to the King, "sed hundreda et scira dicunt quod rex E. dedit huic, et inde habet sigillum ejus."

Another case (208 *b*) shows the value of the seal of King Eadward in the case of Church lands; "De terra Leuric dicunt quod fuit in soca regis, sed Remigius episcopus ostendit brevem regis Edwardi per quem Leuricum cum omni terra dederit in episcopatum Lincolie cum saca et soca." This grant of Leofric of course means the grant to the bishoprick of the King's rights over him and his land. But no writ or seal of Harold was of any value, even in favour of ecclesiastical bodies. (See the story of Waltheof, above, p. 741.) So the grant of Æthelric in ii. 14 *b* (see vol. iii. p. 716) was made in Harold's day, and the entry goes on; "Dedit Sancto Petro istud manerium, sed nullus hominum ex comitatu scit hoc nisi unus, et hucusque tenuit Sanctus Petrus tali modo hoc manerium, et neque brevem neque famulum regis ex parte habuerunt postquam rex venit in istam terram."

In other cases, either the King's writ and seal is brought forward to prove the rightful possession of lands, or else the Commissioners report that the holder has no King's writ to show. See one quoted in vol. ii. p. 551. Of some lands of the see of Worcester (p. 238 *b*) there was no witness as to the terms on which they were held T. R. E. But Bishop Wulfstan had both the King's writ and the witness of the shire to show that he had made good his claim to them; "Reliquas autem vii. hidas et dimidiam tenuit Britnodus et Aluui T. R. E. Sed comitatus nescit de quo tenuerint. Wlstanus autem episcopus dicit se hanc terram deplacitasse coram regina Mathilde [cf. p. 751] in præsentia iiiior vicecomitatuum [cf. p. 764] et inde habet breves regis W. et testimonium comitatus Waruuic."

There is a story in p. 32 about Southwark, which I referred

to in vol. ii. p. 579, as bearing on the history of Earl Godwine. There was a church and a right of toll on the river, which had belonged to the King, but of whose profits the Earl, as usual, took one third; "Ipse episcopus habet in Sudwerche unum monasterium et unum aquæ fluctum. Rex E. tenebat die quâ mortuus fuit. Qui ecclesiam habebat [the patron] de rege tenebat. De exitu aquæ ubi naves applicabant, rex habebat iias partes, Goduinus comes tertiam." The right to these profits were disputed in a Gemót between Odo of Bayeux and the Sheriff of the shire. The power of the Bishop was too great for the law; the Sheriff withdrew from the dispute, and Odo held the royal revenues in Southwark without any writ from his brother. (It should however be remembered that, when the Survey was made, all Odo's enemies, French and English, had the means of making themselves heard, while Odo had no means of answering.) The text of the story runs thus;

"Testantur homines de hundredo Franci et Angli, quod episcopus Baiocensis cum Rannulfo vicecomite de his placitum inierit. Sed ille, intelligens placitum non duci per rectitudinem ad proficuum regis, placitum deseruit. Episcopus autem dedit ecclesiam et fluctum, primum Adeloldo, deinde Radulfo, pro excambio unius domus. Vicecomes quoque negat se præceptum vel sigillum regis de hac re unquam percepisse."

In 87 *b* we get the history of the confirmation of the lordship of Taunton to the Bishops of Winchester, which was proved in some Gemót in which the King presided, and the Bishop of Durham was present. The customs of the lordship and its tenants are reckoned up, and it is added, "Rex W. concessit istas terras habendas Sancti Petro et Walchelino episcopo, sicut ipse recognovit apud Sarisburiam, audiente episcopo Dunelmensi, cui præcepit ut hanc ipsam concessionem suam in brevibus scriberet." The entries in p. 218 of lands held by the burghers of Bedford, most of which have been held by themselves or their fathers T. R. E., well illustrate the process of regrant which was needed even when the holder was not disturbed. Of one Eadward we read, "Hanc terram tenuit pater hujus hominis et vendere potuit T. R. E. Hanc rex W. in elemosina eidem concessit, unde et brevem regis habet testimonio de hundredo." Of another small holding it is said, "Hanc terram pater ejusdem hominis tenuit. Et rex W. ei per brevem suum reddidit." In other cases we find that the

owner had held lands T. R. E. without any further remark; but Godwine and Ordwig had added to their estates by purchase during William's reign, and these later possessions were called in question (see above, p. 784) for lack of formality. We have seen already (see above, p. 756) the Abbey of Westminster charged with holding lands by a forged writ. In vol. ii. p. 13, among the many doubtful estates of Saint Paul's, a gift made to the church by an Englishwoman during the reign of William is called in question on account of the lack of the King's writ; "Hanc terram dedit Godid Sancto Paulo postquam rex venit in Angliam, sed non ostendunt brevem neque concessum regis." In pp. 172, 173 land is claimed on the strength of a writ on whose existence or validity the hundred threw some doubt. Of land in Norfolk held by William of Warren, which had belonged to his brother Frederick (see vol. iv. p. 471), we read (172 *b*), "Quidam homo Drogonis de Bevraria (see vol. iv. p. 799), Franco nomine, calumpniatur illam ad feudum domini sui, de dono regis, de liberatione dicens quod antecessor ejus tenuit, Heinfridus scilicet, tempore Frederi, et per eum tenuit Drogo, et hundredum testatur hoc quod ipsi tenuerunt, sed hoc non viderunt in brevem nec liberatorem." Here we have the alternative of the "brevis" and the "liberator." In ii. 377 there is an entry which curiously illustrates the whole process of seizin by the King's writ:

"Ex hoc presbytero erat saisitus Galterus de Dol, quando forisfecit suam terram, et comes Hugo postea, sicut hundret testatur. Et Normannus dicit quod rex misit ei unum brevem ut saisiret Radulfum de Savigni ex omnibus liberis hominibus ex quibus Hubertus de Portu saisierat episcopum, et ideo Normannus saisivit Radulfum ex hoc presbytero; sed tamen nescit si Ubertus prius saisierat episcopum de illo, et hoc invenerunt barones regis in pace inter Rogerum Bigot et Hugonem comitem, quando venerunt in comitatum, et ita erit in pace donec sit derationatus."

Other instances bearing on the need of the King's writ will be found in the first volume, 47 *b*; in the second, 54 *b*, 195, 270 *b*, 276 *b*, 360 *b*; and Exon, 107. In ii. 377 the "præceptum episcopi Baiocensis" seems about equal to the "brevis regis."

Of the writs of William a good many remain. Some are in Latin, some in English. They are mainly in favour of ecclesiastical bodies,

whether confirmations of property or grants of William's own, or confirmations of the grants of others made during William's reign. Of the class of writs which would have been of the highest interest, those by which an Englishman was secured in the lands which he had held before William's coming, but few remain. One such writ may be seen in the Guildhall of London, along with the writ which secures the liberties of London itself (see vol. iv. p. 29), and it has been photozincographed in Sir Henry James's Selection of National Manuscripts. It is in favour of a certain Deorman, and is addressed to Swegen the son of Robert, as Sheriff of Essex;

"Willelm kyng gret Willelm bisceop and Swegn scyrgerefan and ealle mine þegnas on East-Seaxam, freondlice, and ic kyðe eow þæt ic habbe geunnen Deormanne minan men þa hide landes æt Gyddesdune þe him of guyden wæs, and nelle geþolian Frenciscan ne Engliscan þæt him æt æingan þingan misleode."

Deorman had thus been unlawfully disturbed in the possession of land to which he had a right, by William's grant or otherwise. He does not however appear in Domesday as holding anything T. R. E., and the lands secured to him by the writ had been held by Ælfgar, a man of King Eadward. They appear (130 *b*), not under Essex, but under Middlesex; and Deorman, small as his possessions are, has a section to himself;

"XXIII. Terra Derman Lundon' Osulvestane Hund'. Dermanus tenet de rege in Iseldone dimidiam hidam. Terra est dimidia carucata. Ibi est unus villanus. Hæc terra valet et valuit x. solidos. Hanc terram tenuit Algar homo regis E. et vendere et dare potuit."

A Dereman, perhaps the same, held a house in Oxford (154).

The more numerous ecclesiastical writs, even if some are spurious as to their matter, help us to the received form of the documents. King William follows much the same forms as King Eadward did before him. The writs are addressed, as of old, to the chief spiritual and temporal rulers in each shire, to the body of the Thegns or Barons, and to the men of the shire in general. But the men of the shire have now to be grouped into the two classes of French and English, and there is a difference as to the local officers addressed. In some the Earl, whether English Eadwine or Norman William, is still mentioned, but as a rule—it was the exception under Eadward—the Earl is left out, while the Sheriff is mentioned.

Except in the two or three great border earldoms, where the Earl had something of the character of a vassal prince, the tendency of William's government was to lessen the importance of the Earl as the representative of ancient local independence, and to strengthen the Sheriff as the immediate representative of the central power and its special representative in all fiscal matters. In these writs, as in those which I quoted in vol. iv. p. 371, it is curious to trace the formulæ of the Survey in another shape, whether Latin or English. The Westminster documents in the first volume of the Monasticon (301–302) are of course tainted with the suspicion that touches all Westminster documents, but they show the way in which William continued the forms of his predecessor. There is a writ of William which, if genuine, is addressed to the Staller Bondig (see vol. iv. p. 45), and another which is addressed to Earl Eadwine himself. This writ looks suspiciously like a writ of Eadward on the opposite page (see vol. ii. p. 52). But it at least shows some skill, and brings in a number of historical names. Many of the forms of words are not the forms of William's days, but this alone is no proof of spuriousness, as transcribers so commonly changed the English of documents of this kind into the English of their own day. The writ runs thus;

"Willem king grett Leofwine b. and Edwine eorll and alle tha thegnes on Staffordescire frendlic. And icc kithe eow that icc wille that thas land at Pertune ligge into Westminstre to Petres are swa full and swa fordh swa Edward king mine math itt thder inne se uthe. And icc wille that thatt land Algwi abbod and Thurkill min serefe ben thas landes mund and weard under me into thare halagenstowe. And icc nelle se thafian that him any mann misbeode. And giff itt hwadeth hth kithan itt me and sette fulgod bote fore."

The authority here attributed to Abbot Æthelwig in Staffordshire quite falls in with what we hear from other quarters (see vol. iv. p. 176). And Thurkill of Warwick may have held the sheriffdom of Staffordshire as well as that of his own shire. Another, confirming Eadward's grants at Pershore and Deerhurst, is addressed to "Ælred arcebiscop, and Wulstan biscop, and Willem eorll, and alle mine thegnes on Gloucestresire and on Wirecestrscire frendlice." The only time when William exercised real authority in those shires, and when both William Fitz-Osbern and Archbishop Ealdred were still alive, is the year 1068 and the first half

of 1069. Another is addressed to "Edmund mine scirrefe and Alfwine Gottune, and Leofwine scune freondlice." And another, in Essex, to "Willem biscop and Swein scirefen and alle mine thegnes on Estsexen frendlice." In another we find a formula which we have already seen (vol. ii. p. xxix), with no particular names; "Willem king grett alle his trewe frend in alc thare scire thar Sainte Petre havet land inne and Gilberd abbod freondlice." And in another, which must belong to a time, not only before the deposition of Stigand in 1070, but before the disgrace of Eustace early in 1068, we find some of our Domesday formulæ in English;

"Willelm king gret Stigan arcebiscop, and Fustacies eorll, and alle mine thegnes on Surreye freondlice. And icc kithe eow that icc habbe se unnen that land at Batericheseye and Piriford Crist and Sainte Petre into Westminstre, swa full and swa ford swa Harold is firmest hafde on alle thngen thas dæge the he was cwicu and dead."

The Latin writs commonly have the form "Francis et Anglis." Two of them confirm gifts made by Englishmen described as "Alricus Marieti sune" and "Alwardus de London." This last, witnessed by William Bishop of Durham, must belong to William's later days. There is another collection of Latin writs belonging to Rochester in pp. 163, 164 of the same volume. One of these grants to the church of Rochester "manerium Estona quod fuit Gode comitisse et quicquid ad illud pertinet, ita solidum et liberum et quietum sicut ipse comitissa habuit illud unquam melius." This lordship appears in Domesday (166 *b*) as a possession of the church of Lambeth, which, as Lambeth belonged to Rochester (see Monasticon, i. 173, and Domesday, 34), comes to much the same. There are also several writs addressed in some such form as, "Episcopo de Suthfolcâ et vicecomiti et aliis baronibus suis Francigenis et Anglis." The "barones," French and English, are of course the "thegnas" of the English writs. The two words indeed seem to be used to translate one another, as in Domesday, 57 *b*, a crowd of Normans, Earl Hugh among them, are called "taini;" while in ii. 287, after a list of men who were commended to Harold and Gyrth, it is added, "omnes alii erant commendati aliis *baronibus* T. R. E." "Bishop of Suffolk" is a strange form, but it carries on the English tradition of the territorial titles of Bishops, and the "episcopus de Suthsexâ"

of the next writ is the prelate in whose case (see vol. ii. p. 592, Ed. 2) the old style lived on longest. In p. 431 of the Monasticon there is an English writ of William in favour of Chertsey (which confirms an earlier English writ of Eadward, and is itself confirmed by a Latin one of William Rufus), which runs, "Willelm king gret mine bissupes and mine eorles and mine sirreven and alle mine þeines in þere syrren þere Ulweld abbod hauet land inne and men freondliche."

Other entries, without speaking directly of the King's writ and seal, show no less clearly how every transaction with regard to land needed the royal confirmation. Here is one (345), in which the law of landed property as understood by the Conqueror is set forth with greater clearness than in any other;

"In hac villa habuit Robertus presbyter i. carucatam terræ de rege in elemosina, et modo cum eadem terra effectus est monachus in S. Mariæ Stou. *Sed non licet terram alicui habere nisi Regis concessu.*"

Robert held his lands by a good tenure as alms from King William, but without King William's leave he could not give them to the church of Stow, to the damage either of the King or of his own heirs. Therefore the right of the Bishop of Lincoln, in whose name the land stands in the Survey, is marked by the Commissioners as doubtful. So in p. 83 the possession of a Norman holder in Dorset, Anschitil the son of Ameline, is called in question; "Hanc terram tenuit Anschitil de regina, ut dicit, sed post mortem ejus regem non requisivit." The King in these cases is said "dare" or "concedere," and such a "donum" or "concessio" does not rule whether the grant was made in the more formal way by the King's writ, or by a mere personal livery of seizin, through a "liberator," "legatus," or "famulus regis." In 52 we find of the Norman occupiers in Southampton; "Hi infra scripti habent in Hantone consuetudinem domorum suarum concessu W. regis." In 209 *b* the phrase is twice applied in a way which makes us think of the charge brought against William by the Chronicler (see vol. iv. p. 621) of taking away land from his tenants, if some one else offered a higher rent. Some changes were made in the boundaries of the hundreds of Bedfordshire for the convenience of the estate of Ralph of Taillebois. (He was dead and had left a daughter, but the land was in

the King's hands.) The change is made "concedente W. rege per crementum quod ei dedit; hoc dicunt homines ejusdem Radulfi, secundum quod eum dicere audierunt"—a case of hearsay evidence. In p. 220, in Northamptonshire, the phrase is applied to lands granted by William to an Englishman; "Hanc terram rex W. concessit Goduino." The holder T. R. E. was Oslac the White, who may either have been Godwine's father or an antecessor of any other kind. Compare other cases in ii. 135, 186.

The same phrase is applied to the King's confirmation of the grants of others. Thus in ii. 158 *b* we find a grant of Ralph of Norfolk to Saint Bene't of Holme, in which the confirmation of the King was at least pretended; "In Hobuist i. sochemannus Radulfi Stalra clx. acras, et jacet in Hovetuna quam Radulfus comes dedit sancto Benedicto cum uxore sua, concedente rege, ut dicit abbas." Just above, in 158, is another notice of Ralph the Staller, and of another gift of his son Ralph the Earl to Saint Bene't, "cum uxore sua, ut dicit abbas." At the other end of England, at 96 *b* of the first volume, William of Falaise holds lands in Somerset—Worspring, seemingly Woodspring, the site of the future priory founded in expiation of the death of Saint Thomas—"concessu regis W.;" but it is added, "Serlo Borci dedit ei cum sua filia." So in 176 the phrase is applied to William's confirmation of a grant made by Ralph of Toesny to the church of Saint Taurinus, no doubt at Evreux, which held its lands on a very favourable tenure; "Tenet S. Taurinus iiii. hidas quietas et solutas ab omni consuetudine quæ regi attinet, sicut ipse W. rex concessit quando Radulfus eas sancto dedit." Cf. the tenure of Æthelnoth at Pilton in Somerset in p. 90, that of the Abbey of Cormeilles in p. 166, and that of Ewias by Ælfred of Marlborough in p. 186. It is yet more curious when, in ii. 263, an English priest named Colebern builds a church by the King's leave, the King stipulating for spiritual advantages to himself as the price of the permission; "Fecit Colebernus quandam ecclesiam Sancti Nicolai concessu regis, et, si rex concedit, dabit xx. acras, et ideo cantat missam unaquaque ebdomada et psalterium pro rege." Among other gifts for kindred purposes we may mention lands at Scaldwell in Northamptonshire (222) which had belonged to Earl Ælfgar; "W. Rex dedit Sancto Edmundo pro anima Mathildis reginæ." And again in Exon, 14; "Monachus de Bec retinuit geldum de x.

hidis quæ datæ fuerunt pro anima reginæ." In Exon, 20 (cf. vol. iv. p. 614), it is alleged of certain lands, "Reginam perdonasse pro anima Ricardi filii sui." For others among the endless cases in which "concedere" and its derivatives, or the equal words "dare," "donum," and the like, are used, see 56, 101, 132, 135, 176, 180, 184, 219 *b*, 232, 246, ii. 210. The same phrase of "concessus" is also applied to grants made, not by William himself, but by his predecessor Eadward, and even by Harold in his character of Earl. See ii. 310 *b*, 311.

The phrase on the other side which answers to "concedere" and "dare" is "recipere" and "accipere." See, for instance, 164, 173, 185 *b*, ii. 57, and other places. In 173 it is specially marked of a lordship in Worcestershire that "Eldredus archiepiscopus *jure* accepit." But this is not a grant from the King, but a recovery of lands from a tenant named Godric. In another place (64 *b*) we get the curious phrase "incaute accepit" applied to a holding of Ernulf of Hesdin in the borough of Malmesbury. This of course marks some unintentional irregularity; but the effect in the eye of the law would be the same as when we read of lands held by Toustain the son of Rolf between Wye and Usk, that "calumniantur præpositi regis, dicentes quod eas Turstinus sine dono assumpsit." So the abbey of Monteburg in the diocese of Coutances (see Neustria Pia, 672) holds of the King (91) "unum manerium dono Nigelli Medici." This had been held T. R. E. by "Spirtes presbyter," seemingly him of whose prebend at Shrewsbury so curious a tale is told (see vol. ii. p. 550, Ed. 2). This "donum regis," when applied to the grants of another, is much the same as the "jussus regis," the lack of which is noted in the case of a grant of Engelric in ii. 14 (see vol. iv. p. 726). This "jussus" becomes in Exon "præceptum," as in p. 2, where Wulfwig holds a hide of land "quam E. vicecomes [Eadward of Salisbury] dedit sibi præcepto regis." Lastly, in one case we hear of a process which must often have gone before "jubere," "dare," or "concedere," but which sounds as if we had wandered into the reign of the British Solomon. One Ælfric (ii. 176 *b*), who held his thirty acres under the Thegn Stigand, "utlagavit, et præpositus regis Ulketel saisivit terram in manu regis, et Rogerus Bigot *rogavit* [begged] a rege, et concessit ei."

Many other entries, without using the same formal language, show none the less plainly how fully it was held that all land had passed to the King, and could be held only by his grant. In the case of the foreign grantee this is self-evident. But in many cases where Englishmen are said to have lands granted them by William, it is clear that their own former estates are spoken of. Thus of Cetyl in Sussex (24); "Hanc concessit ei W. rex." In 220; "Hanc terram rex W. concessit Godwino." In 218 *b* it is said of lands in Bedfordshire held by English officers of the King, "Has vi. terras apposuit Radulfus Talgebosc in ministerio regis quando vicecomes fuit; non enim fuerunt ibi T. R. E. Qui eas nunc habent concessione regis tenent, sicut dicunt." In some cases the grant is distinctly marked as a restoration. Thus a King's Thegn named Brihtric, in Gloucestershire (not the famous Brihtric), 170 *b*, holds two hides which he had himself held T. R. E. and two which had been held by Ordric. It is added, "Rex W. utramque eidem Brictric concessit pergens in Normaniam." On which of William's voyages thither we are left to guess. In a Hampshire story (40 *b*) we see a man buying his lands of the King, which again came into the King's hands, either by confiscation or death; "Medietatem hujus hidæ habuit Tovi per Willelmum comitem, et *aliam partem per pecuniam suam habuit e rege*, et per hoc quod Tovi tenuit hanc terram habet modo episcopus per donum regis." So in ii. 174 *b* we read of Ælfwig of Thetford (see below in Note P.), "Hoc liberos [that is of course the lord's rights over them] dedit rex Alwio de Tedfordo cum terris suis." In ii. 338 *b* Northman holds Saxmundham in Suffolk of Roger Bigod, which he had himself held T. R. E. It is added, "Hoc unum manerium de tribus, quæ rex reddidit Normanno, et modo tenet de Rogerio." (This is perhaps the Northman son of Thored who also receives a grant of "liberi homines" from William, ii. 348 *b*, 349 *b*.) Northman received his lands back again, but only by submitting to hold them of a Norman over-lord. Here the process is described which in many other cases is taken for granted.

We have sometimes wandered a good way from the subject of the King's writ and seal, but all these cases illustrate the process by which the lands of England, whether granted back to their former owners or granted away to somebody else, were equally, in the eye of the law, a gift from the King. The essential thing in

all cases was the "concessus" or "donum" of the King. That "concessus" or "donum" might be made without a written document, by a personal investiture by the "liberator" or "famulus regis." But the written document, the "brevis et sigillum regis," was the surest evidence of lawful possession. (Cf. Palgrave on the King's Council, pp. 11, 18.) In all this, as usual, there was practical innovation, but no formal change. The grants of William are the same in their matter and in their form as the grants of earlier Kings. Men were used to confiscations; they were used to grants at the King's hands. The novelty lay in the confiscation of all the lay holdings in England at a stroke, and in the legal subtlety by which even the man who had not been disturbed in his actual possession was still held to have suffered a constructive forfeiture for a constructive treason, by which he was driven to have the old tenure of his lands wiped out, and to hold them by a new grant, as a free gift from the bounty of a foreign King.

NOTE K. p. 29.

Notices of Outlawry in Domesday.

For other cases in which we distinctly hear of outlawry, whether from Domesday or elsewhere, see that of Scalpin in vol. iv. p. 254, of Azor of Worcestershire, above, p. 742, of Eadric of Norfolk in vol. iii. p. 717, and the story of Lisois in vol. iv. p. 286, where it looks very much as if Lisois had seized the vacant land without the King's writ and seal. So one Wulfward held half a hide of land of King Eadward near the city of Gloucester, which on its owner's outlawry was given by William Fitz-Osbern to his cook (162 *b*); "Hanc dedit W. comes cuidam coquo suo; Uluuard enim utlag factus est." In ii. 24 we read, "In hac villa erat i. liber homo de xxx. acris et udlagavit; modo homines Sueni acceperunt terram et adhuc tenent." This again looks like an illegal "occupatio" by the Sheriff's underlings. So in ii. 98 there is another story, in which forfeited land is taken possession of by a reeve, Grim by name, through the favour of Swegen's father Robert when Sheriff; "*Hida est una de hominibus forisfactis erga regem quam post adventum regis addidit Grim ad suam aliam terram per*

R. filium Wimarc vicecomitem, sicut ipse G. dicit." In another case directly after, one Godman forfeits "et non potuit emendari, dedit autem Grimus regi pro eo xxx. solidos et per licentiam Huberti de Portu tenet terram." So in ii. 274 a freeman named Godwine held also thirty acres, a common amount in East-Anglia, of whom all that we read is "qui post utlagavit." It does not follow that all these outlawries need have been inflicted for political causes. In ii. 66 *b*, we find an Essex man deprived of his land for a robbery, which land of course went to the Crown, but was presently seized by a stranger, whose odd surname stands almost as if it had reference to his exploit; "Unam hidam tenuit unus liber homo qui postea forisfecit eam, quia furatus est, et fuit in manu regis, sed Robertus Lascivus invasit, ut hundreda testatur." In another case, the confiscation for robbery was accompanied by death, but whether contrary to William's rule (see vol. iv. p. 625) by the hands of the executioner is not clear. Of other lands in Essex it is said (ii. 2 *b*), "Quas tenuit unus faber T. R. E. qui propter latrocinium interfectus fuit, et præpositus regis addidit illam terram huic manerio." "Latrocinium" may possibly mean a patriotic rising against King William. Lastly, a Suffolk story (310 *b*) of outlawry in the days of Eadward is one of the best illustrations, both of the nature of commendation and of the constant practice of confiscation of land as a penalty. The passage is as follows;

"Hic Edricus commendatus fuit Edrico de Laxefelda antecessori Rotberti Malet priusquam rex E. obisset. Postea udlagavit Edricus; rex E. saisivit totam suam terram. Postea conciliatus est regi E. et concessit ei terram suam; dedit etiam brevem et sigillum ut quicunque de suis liberis commendatis hominibus ad eum vellent redire, suo concessu redirent. Hunc Edricum saisivit R. E. in sua manu. Postea non vidit hundret ut ad Edricum dominum suum rediret; sed tunc ipse dicit et offert judicium quod rediit et liberos homines quos habet sub se commendatos tenet, et ex eis revocat Robertum warant."

Another reference to Eadric's outlawry is found in ii. 313. The land which Stanwine had held T. R. E. was now held by Fulchred, a tenant of Robert Malet. "Hic Stanuinus fuit commendatus Edrico antecessori Roberti postea quam utlagasset, et post fuit homo Haraldi die quâ Rex E. fuit vivus et mortuus, sicut

hundred dicit. Stanuinus solus dicit quod fuit homo Edrici *concessu Heraldi* die quâ rex E. obiit, et offert judicium." Here the point at issue is not clear. Stanwine's story may point to a restoration of Eadric from outlawry by Harold's favour. Eadric's outlawry appears again in 342 *b*; "Godricus presbyter commendatus Edrici T. R. E. antequam se utlagavit, et, postquam se utlagavit, fuit homo Normanni." In this part of Domesday are many notices both of Eadric of Laxfield and of the other Eadric who had commended himself to him. See especially 313, 313 *b*, 318 *b*. In 313 we find a curious combination of rights of different lords over a man and his wife;

"Blacheman fuit homo Edrici, et commendationem habuit de eo, et rex sokam; sed uxor istius hominis fuit homo Stigandi episcopi, et commendationem habuit de muliere."

Several instances are recorded in which the person subject to forfeiture is a Norman, but I do not remember that the outlawry of any Norman is distinctly recorded. Notices of the forfeiture of Earl Ralph, who practically comes under the same head as the Normans, come over and over again in the second volume. In ii. 158 *b* we find the forfeiture of a foreign follower of William, Humfrey of Saint Omer, in ii. 407 *b* that of Walter of Douai, who elsewhere appears as a great land-owner, and the forfeiture of Walter of Dol is mentioned several times in the second volume. These are cases not of outlawry, but simply of forfeiture. In some cases it was mere local forfeiture, which could be redeemed by a customary payment, as in the famous cases in after days recorded in the Lives of Saint Thomas (Roger, 133; William F. S. 230; Garnier, 52). This is plainer still when in ii. 276 *b* we find a forfeiture of William of Warren himself. Here of course there was no outlawry and no general forfeiture; but the case shows how strictly the law was carried out in the time of William.

The opposite phrase to "outlaw" is "inlaw." We find the phrase in Domesday, ii. 277; a nameless man is "exlex," whom presently "Aluuius [of whom see more in Note P.] fecit illegem."

NOTE L. p. 30.

NOTICES OF WIVES AND DAUGHTERS IN DOMESDAY.

MANY cases in the Survey show how part of a confiscated estate was sometimes allowed to be held by the widow of a former owner. Thus in p. 69 the land of a certain Ælfwig is granted to Eadward of Salisbury, but it is added, "cujus uxor ibidem tenet hidam dimidiam de rege." In p. 70 a widow holds her husband's whole estate as an under-tenant; "Edricus tenuit T. R. E. et uxor ejus tenet modo de Ernulfo;" and directly after, "eadem uxor Edrici tenet de Ernulfo Calestone; vir ejus tenuit T. R. E." It is less clear what was the history of a small holding which a widow in Hertfordshire (136 *b*) held of Robert of Mortain. But when we read, "hanc terram tenuit Ingelricus de terra . . . quam sumpsit comes," we suspect one of Robert's violent dispossessions. In 132 *b* we see two women in the same shire, one named Leofgifu, and another who would seem to have been the widow of Esegar the Staller, laid under burthens to which they were not legally bound;

"Hoc manerium tenuit Leveva de Heraldo comite et vendere potuit absque ejus licentiâ. In servitio regis invenitur i. averam et inwardum, sed injuste et *per vim*, ut scyra testatur. De his ii. hidis tenet quædam vidua femina Asgari i. hidam de rege pro i. manerio . . . . . Eadem femina tenuit hoc manerium T. R. E. de Heraldo comite, et potuit vendere absque ejus licentia, et injuste per vim inveniebatur i. averam et inwardum in servitio regis, ut scyra testatur. Hæc ii. maneria apposuit Ilbertus in Hiz quando erat vicecomes testante hundret."

"Hanc terram tenuit Leveva de Heraldo comite et vendere potuit. Ilbertus apposuit in Linleia suo manerio dum esset vicecomes. Postquam vicecomitatum perdidit, Petrus de Valonges et Radulphus Talgebosc tulerunt ab eo et posuerunt in Hiz, ut tota scyra testatur, quæ non jacuit ille T. R. E. nec aliquam consuetudinem reddidit."

In the former case the Sheriff Ilbert had loaded the lands of Leofgifu and the widow with the burthens of "avera," or a day's work of the plough (Kelham, 159), and of "inwards," or (ib. 240)

a supply of men to attend the Sheriff. In the second he had added her lands to his own estate. In p. 32 there is a significant entry of a hide of land—"hida libera"—which Hugh of Port held under Bishop Odo in Surrey, "et quædam femina de eo." And it is noted, "quando Hugo hanc terram saisivit, non habuit inde liberatorem vel brevem regis, sicut hundred testatur." This looks as if Hugh of Port also had reduced a woman who held in her own right to hold as his tenant. The case of Thored's daughters has been mentioned above. Much the same was the fate of "Eddeva puella, homo Stigandi archiepiscopi," whose land in Hertfordshire (134 *b*) had passed to a tenant of Odo. In 77 *b*, the lands in Dorset which had been held T. R. E. of the King by Ælfmær and Ælfweard, who "non poterant cum ista terra ire ad quemlibet dominum," were afterwards held of King William by Roger Arundel, and at the time of the Survey belonged to the New Minster. But part of the land was still held by "i. miles et quædam vidua," almost certainly the widow, and perhaps the son, of a former owner. So in 90 *b* Godgifu holds one hide of the abbey of Glastonbury; "vir ejus tenuit T. R. E. nec poterat ab ecclesia separari." Of lands in Lindesey (341) it is said, "Episcopus Dunelmensis habet medietatem, et Uluiet et uxor ejus aliam de rege habent. Tota hæc terra fuit matris uxoris ejus;" but it is presently added to the words "pars Uluiet," "episcopus clamat." This man, who kept half his mother-in-law's estate, was more lucky than another in the same shire (365 *b*), who was wholly dispossessed along with his stepmother ("Ainar et noverca ejus") in favour of Odo the Crossbowman. In ii. 188 we get a whole family history; "In eadem i. libera femina sub anteecessore Godrici commendata tantum T. R. E. xxx. acras terræ, et ex hoc erat Godricus saisitus quando R. [Ralph of Wader] forisfecit, et ex debito reddebat ei v. solidos, et quidam homo Rogerii commendatus tantum, filius ejusdem mulieris, manebat in eadem terra cum matre sua, et ideo Rogerius revocat dimidiam terram. Et pater ejusdem hominis habuit in alio loco aliam terram liberam sub antecessore Rogerii commendatus tantum." A remarkable entry in the town of Huntingdon (203) has been quoted in vol. iv. p. 223. On the other hand, besides wives who kept part of the estates of their husbands, some husbands seem to hold by something like the courtesy of England. Thus among the lands of the Bishop of Winchester (40) we read, "Eldred tenet de episcopo Chelmestune;

femina sua tenuit T. R. E. . . . non potuit ire quo voluit;" and in p. 42 *b*, among the tenants of the New Minster, is the name of another Ealdred with the note, "Uxor ejus tenuit in dote T. R. E." Lastly, as not indeed bearing on the relations of husbands and wives, but as showing the treatment of women, and the general uncertainty of property under these constant changes, we get in ii. 264 *b* the plaintive petition of a poor nun, who in the confiscation of the lands of Ralph of Wader had lost the four acres of land which she held of him; "In Sinthinga calumniatur quædam pauper monialis iiii. acras terræ quas illa tenuit sub Radulfo tam̃ ante et postquam se forefecisse, et ita testatur hundret, et Isac revocat ex dono regis ad feudum suum."

The treatment of widows suggests, though not exactly coming under the head of confiscation, a piece of family history which turns up in several places. One Wulfward (perhaps Wulfward the White, see above, p. 745) held lands of the Lady Eadgyth both in Somerset (87) and in Buckinghamshire (153). So did his wife Eadgyth or Eadgifu (147); "Hoc manerium tenuit Eddeda de regina Eddeva;" and directly after, "Hoc manerium tenuit Eddeva uxor Uluuardi"—which shows how the names Eadgyth and Eadgifu were confounded (see vol. iii. p. 764). Wulfward died after the coming of William, and the Lady gave to his son-in-law Ælfsige the estate which he had held of her, and two other estates of her own. In the Survey (153) Ælfsige holds all three, with these notes attached to each; "Hoc manerium tenuit Eddid regina, et ipsa dedit eidem Alsi post adventum regis W." "Hoc manerium tenuit Wluuard homo reginæ Eddid T. R. E. et ipsa dedit huic Alsi cum filiâ Wluuardi." "Hanc terram sumpsit cum uxore suâ." Ælfsige and his wife were exceptionally lucky, perhaps out of respect to the memory of their benefactress. But the widow of Wulfward did not fare so well. She still kept (87) one hide in Somerset, but her Buckinghamshire estate had passed to Walter Giffard.

Several notices in the second volume, like those of the wives of Scalpin (see vol. iv. p. 254) and Bishop Æthelmær (see vol. iv. p. 335), illustrate the treatment of women during the confiscation, though they are not all cases of a provision made for widows. In p. 40 *b* Wisgar, an "antecessor" of Richard Fitz-Count, appears with a long train of dependants, among whom we find "in tempore regis Eduuardi fuerunt v. sochemanni quos tenuit Wisgarus Uluuinus et ii. sorores

ejus in Colun . . . isti non poterant recedere a socâ Wisgari." The rights of the sisters had vanished as utterly as those of Wisgar. In 360 there is the account of one Æthelric who held lands in Suffolk T. R. E., but it is added, "hanc terram ideo tenet abbas [S. Edmundi] quod ille Ailricus accepit uxorem T. R. E. quæ hanc terram tenebat libere in socâ regis, sed abbas revocat socam de dono regis."

NOTE M. p. 31.

Grants of Alms in Domesday.

Of that class of entries in which land is said to be given in alms, most usually by William himself but sometimes by others, we have already seen several instances. The receivers are sometimes priests or ecclesiastical bodies, sometimes women, sometimes men; in some cases, men who were made objects of charity by some infirmity. Even here the grant was sometimes simply the restoration of property which had been held by the grantee or his father. In Somerset (91 *b*) two cases of alms to women stand close together. The first is "Eddida monialis" (see also Exon, 178); and then "duæ nonnæ" (see also Exon, 179). In 169 *b*, among the lands of Toustain the son of Rolf in Gloucestershire, Tofig had held five hides T. R. E.; it is added, "de hac terrâ tenet Tovi ii. hidas elemosinâ regis W." In 232 *b*, "Huardus," a tenant of Hugh of Grantmesnil, holds one carucate "de elemosinâ regis quam habet in vadimonio." In 218 comes the Bedford burgess quoted in p. 789. In Warwickshire (244) is a heading of "elemosinæ regis," among which Leofgifu, a nun ("Leveve monialis"), holds three hides which had belonged to Godgifu the wife of Leofric, and five hides are held of the King in alms by one Eadgyth, who had herself held them T. R. E. So in Exon, 327, a nameless woman holds half a hide, seemingly an usual quantity for a gift in alms; "Quas dedit illi W. [not King William, but Walscin of Douay] in elemosina." Among gifts to churches, we find in Exon, 176 et seqq., a whole string of grants in alms to great churches in England and Normandy; in 203 *b* Earl Waltheof, and in 185 Walter of Lacy, give alms to Saint Mary of Lincoln.

These are alms only in the special sense spoken of in the text. The entry in ii. 24 *b*, "ad ecclesiam hujus manerii jacent xxx. acræ quas vicini dederunt in elemosina," is a curious case of local endowment, but it proves nothing as to the confiscation under William. So at Tateshall in Yorkshire, 316 *b*, we get the entry, "Infra hanc metam continetur elemosina pauperum." Cf. ii. 291 *b*. Cases where individual priests received lands in alms will be found in 22, 68 *b*, 100 *b*, 104, 231, 370, 371, ii. 3 *b*, 4, Exon 461. In this last case the alms were given by Matilda, and the property was not ecclesiastical but hereditary, the entry being, "Savuinus presbyter habet i. mansionem quæ vocatur Birige quam tenuit quidam avunculus suus, qui cum terrâ suâ poterat ire ad quemlibet dominum die quâ rex E. fuit vivus et mortuus. . . . Hanc dedit M. regina huic presbytero in elemosinâ." In 218 *b* another priest, Thurkill, keeps his lands in alms by a spiritual tenure; "Istemet tunc tenuit et cui voluit vendere potuit, rex vero W. sibi postea in elemosinâ concessit, unde pro animâ regis et reginæ omni hebdomade ii. feria missam persolvit." (Cf. Colebern in p. 795.) Something of the same kind may be meant when we read in the outlying part of Gloucestershire between Wye and Usk (162), "In elemosina regis est una villa quæ pro anima ejus reddit ecclesiæ ad festum S. Martini ii. porcos et c. panes cum cervisia." There is a case of partial restitution in Somerset in 91 *b*, which is given more fully in Exon 180; "Godeuuinus habet dimidiam hidam in illâ mansione quæ vocatur Ragiol de rege in elemosinâ. Ille idem qui prius habuit totam mansionem eâ die quâ rex E. fuit vivus et mortuus." In 118 Matilda grants alms, not to a priest but to a King's Thegn, "Aluuard Mert." One or two cases awaken special curiosity, as that of the blind man in Nottinghamshire (see vol. iv. p. 197). Another recorded mutilation may perhaps carry us back to the days of Cnut and the hostages (see vol. i. p. 407, and p. 719, Ed. 2). We read once in 100 *b*, and twice in Exon, 77, 466, of one Eadric who had lost a limb T. R. E. or earlier, who had received his lands in alms from Eadward, and whose son Eadward still held them under William; "Tenuit in elemosinâ de rege E. Eddricus mancus, et modo tenet eam de rege W. Edwardus filius ejusdem Eddrici." So one Agenulf held lands which his father had held in alms of King Eadward (68 *b*); "Pater ejus tenuit de rege E. in elemosina." In ii. 107 *b* the right of a church

to alms is disputed; "In Colecestra est quædam ecclesia sancti Petri quam tenuerunt ii. presbiteri tempore R. E. in elemosina regis . . . de hac elemosina reclamat Robertus filius Radulfi de Hatingis iii. partes et Eudo dapifer tenet quartam, et tempore R. E. reddebant consuetudinem et modo non reddit." In ii. 133, 133 *b*, two priests in Norfolk hold severally forty and thirty acres "in elemosyna," by the tenure of singing three masses weekly, which in the latter case are distinctly said to be "pro rege" or "regina." Among foreign almsmen we hear in Hertfordshire (132 *b*) of "Francigena [see above, p. 759] elemosinarius regis," who however is reckoned on a royal manor after the bordars, cottars, and slaves. But another stranger, Ascelin, who held a hide of land in alms of Robert of Mortain (other alms of Earl Robert to churches will be found in p. 25), must have been in a higher position; and so must Gerald of Wilton, who held "in elemosina" a whole lordship in Wiltshire which he had himself held T. R. E. We may end our list of almsfolks with the "nonnæ et pauperes qui quotidie pro rege et omni populo Christiano deprecantur" at Saint Eadmundsbury, 372 ("in villa ubi quiescit humatus Sanctus Eadmundus rex et martyr gloriosus"), who lead us to the various entries of "pauperes homines," "pauperes burgenses," "liberi satis inopes," of whom we read in ii. 290, 311 *b*, 372; and of the "paupercula mulier" in i. 9 *b*, who held of Ralph of Curbespine at Barfreston (see vol. iv. p. 367).

NOTE N. p. 40.

Castles and Destruction in Towns.

In Sir Henry Ellis's Introduction to Domesday (i. 211) all the entries are brought together which refer to the castles built by William or in his reign, and, in the abstract of population at the end of the second volume, an analysis is given of the entries regarding each town, one which in many cases gives the number of houses which had been destroyed for the building of the castle. But our notices on these matters are fragmentary and incidental. Sometimes a castle is not mentioned in Domesday in the account of the place where it stood, but comes in casually somewhere else; sometimes a castle which we know to have been built by William,

or to have existed in his time, is not mentioned at all. Thus, though the Survey begins with a full account of Dover, and though the castle of Dover appears in our history, both in William's time and before (see vol. iii. pp. 245, 535; vol. iv. p. 112), there is no mention of it in Domesday. So of the Tower of London itself there is no account in the Survey, because there is no account of London at all. Of Nottingham Castle again, which we know to have been built by William (see vol. iv. p. 199), there is no account, though there is of the building of the "pomœrium" or town wall. The famous Rougemont at Exeter also goes unnoticed. As to the destruction of houses in towns, the past and present number of houses is in most cases carefully stated, but we do not always know whether the houses were destroyed to make room for the castle or for any other cause. Thus in the four Dorset towns spoken of in vol. iv. p. 151, the destruction of houses in each is minutely entered, but there is no mention of a castle in any of them, though the castle of Wareham is incidentally mentioned in 78 *b* in recording an exchange by which the King obtained its site from the Abbey of Shaftesbury.

The royal castles mentioned in Domesday are as follows.

Canterbury (2). This was built on land belonging to Saint Augustine's, as the King grants to the abbey fourteen burgesses "pro excambio castelli." There is no distinct mention of the destruction of houses, but we read that "xi. burgenses sunt vastati in fossato civitatis." This, as at Nottingham, points to the building of the town wall.

Rochester is incidentally mentioned in 2 *b*, where the Bishop of Rochester receives land at Elesford "pro excambio terræ in qua castellum sedet."

Hastings Castle (see vol. iii. p. 409) is mentioned incidentally in 18; "Rex W. dedit comiti [William of Eu] castellariam de Hastinges."

Alwinston, that is *Carisbrooke*, appears in 52 *b*.

At *Wallingford* (56) we get the amount of destruction; "Pro castello sunt viii. [hagæ] destructæ."

Windsor, "castellum de Windesores," is mentioned under Clewer, in 62 *b*. On the provision for its defence, see vol. iv. p. 341; and William's presence there is mentioned in the story of Azor given in vol. iv. p. 144.

Wareham has been already mentioned.

On *Gloucester*, see vol. iv. p. 173.

Monmouth Castle appears as a royal possession in 180 *b*.

On *Cambridge*, see vol. iv. p. 221; *Warwick*, ib. 191; *Lincoln*, ib. 217; *Stamford*, ib. 216.

Stafford Castle is not mentioned in the account of the town in 247, but it comes incidentally in 248 *b*; see vol. iv. p. 318.

The two castles of *York* are mentioned in endless entries in Domesday, of which I have spoken in vol. iv. pp. 203, 241, 267, 271, 307.

Of the castle of *Norwich*, and the destruction caused by it, see vol. iv. pp. 68, 582.

The other castles mentioned in Domesday are *Borne* (20 *b*), and *Ferle* (21), both in Sussex, and belonging to William of Eu; *Bramber* (28), belonging to William of Bruce; *Lewes* (ii. 163, 163 *b*), to William of Warren; *Montacute* (93, see vol. iv. pp. 170, 278), "Castellum de Cornualia" (101 *b*); *Dunhevet* (121 *b*); *Tremeton* (122), to Earl Robert; *Torre*, that is *Dunster* (95 *b*), to William of Moion; *Oakhampton* (105 *b*), to Baldwin of Exeter; *Estrighoiel* (162), seemingly *Chepstow*; *Berkeley* (163); *Clifford* (183); *Wigmore* (180, 183 *b*), and *Ewias* (186), to Earl William Fitz-Osbern and those to whom his lands had passed; *Dudley* (177), to William Fitz-Ansculf; *Averton* (186 *b*), to Osbern of Herefordshire; *Caerleon* (185 *b*), to William of Scohies; *Tutbury* and *Burton* (248 *b*), to Henry of Ferrers; *Shrewsbury* (252), *Meresbury* in Montgomery (253 *b*), *Stanton* (258 *b*), and *Arundel* (23, see vol. iv. p. 66), to Earl Roger or his tenants; *Rhuddlann* (269), to Earl Hugh; *Peneverdant* (270), and *Bernulfeowic* or *Clitheroe* (332 *b*), to Roger of Poitiers; *Pechefers* (276, see vol. iv. p. 200), to William Peverel; *Tornoure*, probably *Pontefract* (373 *b*), to Ilbert of Lacy; *Richmond* (381, see Ellis, i. 222), to Earl Alan; *Rayleigh* (ii. 43 *b*, see vol. iv. p. 738), to Swegen of Essex; *Eyam* (ii. 379), to William Malet. This list is still less likely to be perfect than the list of the royal castles; for instance, the famous Richard's Castle, the earliest, and in some sort the most historically important, of all, is not mentioned. To the castles strictly so called we may add the two "domus defensabiles" mentioned in vol. ii. p. 238.

Besides the castles, there are the cases where the destruction of houses is mentioned without mention, or with only an incidental

mention, of a castle. Thus in the Dorset towns, at *Dorchester* (75), out of a hundred and seventy-two houses no less than a hundred and twenty-eight were "penitus destructæ a tempore Hugonis vicecomitis usque nunc." At *Bridport* (75) there were a hundred and twenty houses T. R. E.; "Modo sunt ibi c. domus et xx. sunt ita destitutæ quod qui in eis manent geldam solvere non valent." At *Wareham* (75) there were in all two hundred and eighty-five houses, of which a hundred and fifty had been destroyed; and at *Shaftesbury* (75) there had been two hundred and fifty-seven, of which eighty had been destroyed. The great destruction at *Chester* (see Domesday, 262 *b*, where the speaking comment is added, "Valde enim erat vastata;" cf. vol. iv. p. 317) brought down the number of houses from four hundred and eighty-seven to two hundred and eighty-two. For *Exeter*, see vol. iv. p. 162, and Ellis, ii. 436. The difference in proportion from the destruction of Chester is well worth notice. For *Barnstaple*, see vol. iv. p. 163. At *Leicester* (230) four houses were waste. For *Torksey*, see vol. iv. p. 217. At *Thetford* (ii. 118 *b*) nine hundred and fifty-three burgesses had sunk to seven hundred and twenty, leaving two hundred and twenty-four empty houses. Of the frightful destruction at *Oxford* I have spoken in vol. iv. p. 778. For *Stafford*, see vol. iv. p. 282. At *Ipswich* (ii. 290), of five hundred and twenty-eight, three hundred and twenty-eight were wasted. In many other towns we have no means of making a comparative estimate. On the other hand, two towns had grown since King Eadward's time. One is *Chichester* (23), where the number of houses T. R. E. is not stated. The number of "hagæ" was ninety-seven and a half; but it would seem (see Ellis, ii. 496) that the number of houses might be greater than the number of hagæ; at any rate we distinctly read, "Sunt in eisdem masuris lx. domus plusquam antea fuerant." The other, strange to say, is *Dunwich* (ii. 311 *b*), notwithstanding the incursions of the sea, which had swallowed up half the land belonging to the town; "Tunc ii. carucatæ terræ modo i. mare abstulit alia." There were a hundred and twenty burgesses T. R. E.; at the time of the Survey there were two hundred and thirty-six, besides a hundred and twenty-four "pauperes homines." There had also been one church only T. R. E.; now there were three.

NOTE O. p. 41.

THE CONDITION OF KENT, SUSSEX, AND SURREY.

NOTHING better upsets the legendary belief that Kent obtained special privileges from William than a glance at the Kentish Domesday. The completeness of the confiscation there (see vol. iv. p. 34) was doubtless owing to this shire being the immediate government of the rapacious Odo. Sussex fared only a little better than Kent; Surrey a little better than Sussex. The real glory of Kent, which it shares with Sussex, is not to have won privileges from William by craft, but that its men had been foremost in the great battle, and that they had been so utterly cut off that the whole land lay ready for confiscation.

At the time of the Survey there was not a single private English tenant *in capite* in all Kent. The only Englishmen with land of their own are some of the canons of Saint Martin of Dover (1 *b*), who seem to have held hereditary prebends. At least in several cases it is entered, "pater hujus tenuit in prebendâ." Even English under-tenants are singularly rare, and several of the apparent instances are doubtful. Even of the Ælfreds in 9 *b* and 11 *b* we cannot be so certain as in the case of most English names. The only case on which no doubt can be thrown is that of one Ælfnoth or Eadnoth, who holds the lordship of Horton of Hugh of Montfort, in 13 *b*. The "quædam femina" who held half a virgate of Hugh may also have been an Englishwoman; and we have one sokeman who held of Hugh sixteen acres which he had himself held of King Eadward. One or two "bordarii" need hardly be mentioned. These are very small relics indeed compared with the position which Englishmen kept in some other shires.

In Sussex we do find an entry of "Terra Odonis et Eldred," of whom Ealdred was doubtless English, and Odo (=Odda) may have been; but neither of them held his land T. R. E. The number of English tenants is also greater, see pp. 16 *b*, 18, 18 *b*, 19 *b*, 20, 20 *b*, 22 *b*, 23 *b*, 24, 25 *b*, 26 *b*, 27, 27 *b*, 28 *b*, and 29; and some of them had themselves held their land T. R. E., either of the King or of some other lord. In 16 *b*, among the tenants of

the see of Chichester, we find a little group of three clerks described as Robert, Hugh, and Ælfweard, followed by a group of four "milites," whose names are Harold, Murdac, Ansfrid, and Lovel. Murdac or Murdoc is English or Danish. The name is found as that of a holder T. R. E. in Yorkshire, 323 *b*, 324 *b*, 325. Also among the tenants of William of Eu, in 18, is an entry of six "milites," to which is added, "Unus eorum Norman tenuit T. R. E." In Surrey (36 *b*) we get a list of "terræ Oswoldi et aliorum tainorum," of whom two at least, Wulfwig and Chetel the hunters, keep their own lands or those of their fathers. The English tenants are fewer than in Sussex, several of the holdings seeming to belong to the same Oswald who appears as a tenant *in capite*. One woman, a nameless widow, kept her land under Odo (31); and another, Eadgyth by name, under the King (30 *b*). On the other hand (30 *b*) "quidam Edricus . . . dedit duas hidas filiabus suis, et potuerunt ire quo voluerunt cum terris suis." The lands had however passed into the hands of Richard of Tunbridge and of a tenant of Bishop Odo, seemingly to the damage of the King, as well as to that of Eadric's daughters.

One or two other miscellaneous entries may be noticed. In 30 *b*, at Gomersal, held by the King in demesne, "hujus villæ villani ab omni re vicecomite sunt quieti." Coddington (31 *b*), which had been held by Earl Leofwine, belonged to Odo; of thirty hides, twenty had been held by the Earl, "et x. hidas tenebant alodiarii villæ, et cum suis terris quo volebant recedere poterant." In 32 *b* Eadric holds land of the abbey of Chertsey, "quam per duos annos ante mortem R. E. abbatia tenuit. Antea tenebant iii. homines de ipso rege, sed non poterant recedere sine præcepto regis; quia bedelli erant in Chingestone."

NOTE P. p. 40.

The King's Reeves.

I have more than once spoken of the complaints which were made, both before the coming of William and after, of the oppressions wrought by the Reeves, both of the King and of other powerful men (see above, pp. 739, 748, and vol. iv. p. 621). Heming (see vol. ii. p. 544) counts the unjust Reeves as a special class of

spoilers along with the Danish and Norman invaders. Any Reeve, from the *Shire-reeve* downwards, was a fiscal officer of his master, and he had many opportunities of unjust exactions. And among the frequent changes in landed property, above all in the great change which followed the coming of William, they had many opportunities of unjustly seizing pieces of land for their own profit or that of their masters. This was often done (see vol. i. p. 562, vol. ii. p. 544) by the Reeves without the consent or knowledge of their masters. Wrong-doings of this kind are systematically entered in Domesday; and the entries incidentally show that many Englishmen held office of the kind under William. Of the doings of Reeves of the highest class, namely Sheriffs, we have heard a good deal (see above, pp. 760, 801, and vol. iv. pp. 174, 223, 738). These Sheriffs were Normans, unless we claim Swegen of Essex for an Englishman. Whether any Englishman permanently kept the office of Sheriff in William's days is not very clear (see vol. iv. p. 483). There is Ælfwine the father of Thurkill of Warwick and "Alwi vicecomes" (see vol. iv. p. 781), whether these were one man or two. And in 157 *b*, among lands in Oxfordshire of William of Ferrers which had been held T. R. E. by Bondig the Staller, we read, "v. hidas tenet H. de rege, et iii. hidas emit ab Eduino vicecomite." The sale spoken of must have happened T. R. W. and after the forfeiture of Bondig. But I cannot trace this Sheriff Eadwine any further, unless he is the "Eduinus vicecomes" in p. 238 *b*, whose lands at the time of the Survey were held by Bishop Odo. We can say nothing more of the Sheriff Eadric who appears in Wiltshire in 72 *b*, nor of Northman in Suffolk, 212 *b*; and Ælfred, who appears in Dorset in 83, had plainly given way to Aiulf, whatever we make of Aiulf's nationality (see vol. iv. p. 163), as Ælfric Godricsone in Cambridgeshire (189) had to Picot. But of English Reeves of a lower rank we find a long list. In Bedfordshire (218 *b*) the King commends a certain sokeman to Osgeat, "regis præfectus," to be taken care of; "Cum terra commendavit, ut quamdiu viveret victum et vestitum ei præberet." In this shire the "præpositi Regis" and the "elemosinarii" are put together as a class, and among them we can distinguish Ordwig of Bedford (see above, p. 785), who appears in 210 *b* as a tenant under the Abbot of Saint Eadmund, and as having been at some time Reeve of the town of Bedford. He held lands in Bedfordshire of the

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abbey, on which the comment is, "Hanc terram tenuit Ulmarus presbyter regis E., potuit dare qui voluit, sed Ordui, quum esset præpositus burgi, ei abstulit pro quadam forisfacturâ, et modo dicit se tenere de abbate S. Edmundi, sed homines de hundredâ dicunt quia injuste eam occupavit." In Buckinghamshire (153) Leofwine Chava, a "præfectus regis," keeps his lands. In the eastern shires we find "Edui præpositus regis" in ii. 146, and Ulfcytel in 176 *b*, 177, who makes divers speeches in the Gemót of the hundred;

"Hanc calumniatur comes Alanus quod tenuit comes R. ad Ro'bort manerium suum, et homines hundreti audierunt istum Ulfketel cognoscentem unâ vice per i. annum antequam R. se forefecit, et postea quam forefecisset, i. vice similiter quod iste Ulketel deserviebat in Ro'boro, et ad ultimum audivit hundret, istum eundem dicentem quod deserviebat erga Rogerum Bigot. Homines comitis Alani uno quoque anno habuerunt inde x. solidos præter iiii. annos ultimos, et hoc volunt probare quolibet modo et tenet Ulketel."

This Ulfcytel has an entry to himself in Domesday, ii. 270 *b*. Some of his lands had been held by himself T. R. E., others by other English owners. Of one estate it is said, "Quando Radulfus se forisfecit, tenuit in manu suâ, et post Blondus, et post per brevem regis fuit resaitus in manu regis." Another such was Ælfwig of Colchester (217 *b*); "Hæc terra forisfacta est T. R. Willelmi, sed quidam monachus dedit dimidiam marcam auri pro forisfactura præpositis, scilicet Aluui de Colecestrâ, et sic habuit terram absque licentia regis." Others are Wulfmær (282), Ælfric (283 and 287 *b*), Æthelweard (334 *b*), and Wulfmær (448 *b*). But more important than any of these was Godric the *Dapifer*, who fills a great place in the eastern shires, where forfeited estates of Ralph Wader and others passed through his hands. He is indeed a person of such importance, and his position throws such a light on one side of William's administration, that his doings must be looked into a little more fully. Of his origin we know nothing; but he belongs to the same class as Engelric, Wiggod, and Thurkill of Warwick. As the eastern shires submitted at once after Senlac, and did not lie, like Kent and Surrey, in William's line of march, it was specially easy for men in those parts to win William's favour by timely submission. The great upsetting of property through the confiscation of the lands of Ralph of Wader brought Godric into

special prominence. But he was a land-owner before Ralph's rebellion. He seems to have held nothing T. R. E.; for the many entries of the name in Suffolk (297, 320, and elsewhere) seem to belong to another man or several other men. His own great estates (pp. 202–205 *b*) had been held T. R. E. by several Englishmen who appear as his "antecessores," especially one Eadwine, who is described as "teinus dominicus R. E." (203). And, as usual among these cases, the lands were held by Eadwine under the abbey of Saint Bene't, to which they were to go finally at his death (204 *b*). In several places it is particularly mentioned that the land had been Godric's at the time of Ralph's forfeiture, in order to distinguish Godric's own land from the lands which are entered (119 *b*) as "Terræ regis quas Godricus servat." These lands over which Godric acted as the King's Reeve are a mine of the most curious information in all Domesday, especially with regard to the two Ralphs. It becomes a formula, "tenuit R. comes quando se forisfecit, post Godricus in manus regis;" and in some places, as twice in 120 *b*—both of them being former possessions of Stigand—we read, "Radulfus antequam forisfaceret, eam invasit et tenuit eam; ideo tenet Godricus." In some cases we get the usual disputes about the rights of the "antecessor" (see specially 124 *b*). In one case Godric triumphantly asserts the King's rights against a man of William of Warren. The story (133) is a curious one. A sokeman holds eight acres of land, of the value of twenty pence, and the lord's rights over him seem to have passed by various means, legal and illegal, through several hands; "Hunc tenuit Leustan antecessor Tiheli T. R. E. et Radulphus eum tenuit quando forisfecit, et est de socâ de Caustunâ. Modo eum tenet Godricus. Sed Taraldus homo Willelmi de Warrenâ eum saisivit super regem et tenuit eum per tres annos. Modo derationatus est super eum, et reddit Turaldus v. solidos de catallo regis, et dedit vadem de justitia faciendâ."

This last is a good example of language which at first sight seems to imply force, but where there was nothing but a question of legal right, made more grotesque by the smallness of the amount. Again, in 162 Godric claims a church or its advowson held by William of Warren; "Hanc calumniatur Godric ad feudum Radulfi quod jacuit in Stohu, et inde vult unus homo Godric portare judicium." The claim however seems to have been unfounded, for the Survey adds that all the possessions of which the church formed a part had

belonged to the abbey of Ely, and had passed to William of Warren by exchange. Godric has other disputes with William of Warren in 157 *b*, 166, and 276 *b*; also with Roger Bigod in 176 *b*, 182 *b*, 244, and 277. In 136–137 he has claims against William of Noiers, in 145 against Count Alan, and also against ecclesiastical bodies, as against Ely 214 *b*, and Saint Eadmund's 275 *b*. In an entry in 278 there is a record of a forfeiture either of our Godric (cf. above, p. 800) or else of "Godricus de Rossa" who appears in the next page. Whichever Godric it was, he had, for a season at least, an English successor, though Bishop Odo presently stept in in his character of justiciar to claim the land for the King and for Roger Bigod as his representative;

"In Porringhelanda i. liber homo Eduini commendatus T. R. E., post Godricus, et post propter forisfacturam Aluredus, et de illa forisfactura quietum se fecerat teste hundret, sed per preceptum episcopi Baiocensis servavit Rogerus Bigot in manu regis et adhuc servat."

Nor is it quite clear whether it is the *dapifer* or any other Godric who (200 *b*) had held land of Earl Ralph which had passed to the Bishoprick of Thetford, and is mixed up with a grant of Bishop Erfast to his niece; "In eadem i. liber homo Gerti T. R. E. commendatus tantum dimidias xxvi. acras terræ, et Godricus tenuit sub comite Radulfo, et Helewis neptis Ervasti episcopi tenuit ab Ervasto, et modo a W[illelmo] episcopo."

Godric was (see Monasticon, iii. 87) a benefactor of Saint Bene't of Hulme. His wife was Ingreda, a name not easy to identify with anything either English or Norman. He gave his son a Norman name. "Radulfus filius Godrici" appears in Rymer (i. 11) as a benefactor of the church of the Holy Trinity at Norwich.

The second volume also brings before us another Englishman in the eastern part of England, who does not fill the same important place as Godric, but who appears under several characters. This is one Ælfwig or Ælfwine of Thetford. That he had acted as a reeve appears from p. 273; "Hoc addidit Ailuinus de Tedford ad censum de Ormesbey T. R. Willelmi." He kept both property and influence in Norfolk after the coming of William, but his lands were afterwards confiscated, and granted to Roger Bigod, whose "antecessor" he is repeatedly called (see 174 *b*, 175, 175 *b*, 177 *b*, 178, 179, 180, 181 *b*, 187 *b*, 330 *b*). But many entries point to his former

favour with William. Thus in 174 *b* we read of some of the freemen to whom Roger was lord, "Hos liberos dedit rex Alwio de Tetfordo cum terris suis, sicut R. Bigot reclamat." Here we have an example of the doctrine of the "antecessor" in William's own reign. William had made a grant to Ælfwine, probably by way of redemption of his own holdings T. R. E.; this grant of William thus became the measure of the rights of Roger Bigod, as far as the "terra Aluini" was concerned. Thus in 181 *b*, 182 we find that Æthelstan, who had been a Thegn of Harold ("Alestan teinnus Heroldi T. R. E."), and a sokeman of Eadric of Laxfield had in William's time commended themselves and their land to Ælfwine (cf. the case of Wiggod, vol. iv. p. 732). Ælfwine was in possession when his lands were granted to Roger, but, as no writ of King William in his favour was forthcoming, Roger's claim was evidently looked on as doubtful; "Hic Alestanus commendavit se Alwino de Tedford, tempore regis Willelmi, et ex hoc erat saisitus quando rex Willelmus dedit Rogero terram illius. Sed hundret non vidit brevem vel liberatorem quod daret Aluino."

But in Ælfwine's story also, besides the lawful "commendatio" we hear of the unlawful "invasio." An entry in p. 182 fills a neutral ground between the two; "In Raueringham tenuit i. liber homo xii. acras T. R. E. de quo Aluuius erat saisitus, quando Rogerus recepit terram illius . . . Idem R. tenet." In 173 the "invasio" comes out distinctly; "Hanc terram invasit Aluuius postquam rex venit in hanc patriam." Lastly, in 278 we find the name of Ælfwine, like all other names in those parts, mixed up with the inevitable name of Godric. The land which a freeman commended to Ælfwine held in right of his wife had somehow passed to Ralph of Wader. On Ralph's forfeiture, it passed into the hands of the King's officers, first Robert Blunt and then Godric. Then Ælfwine, probably by virtue of his rights over its former owner, again took possession ("invasit"). Then came the forfeiture of Ælfwine himself, and the grant of his lands to Roger Bigod. Roger came to some agreement by which Stanart the son of Ælfwine kept the actual possession. But either some formality was wanting, or the ownership of Roger was tainted with illegality through the "invasio" of his "antecessor" Ælfwine. Godric accordingly again takes possession on behalf of the King, and now Roger brings his claim before the Commissioners. The story runs thus;

"In Phileby li. acras i. liber homo T. R. E. de uxore illius habebat, tunc Aluuinus commendationem tantum, et eadem uxor nichil habebat ex hac terra. Et comes R. ex hac terra saisitus erat quando forisfecit, et Robertus Blundus eam tenuit ad censum in manu regis. Post eam sub Godrico invasit idem Aluuinus antecessor R. Bigot, et Stanart filius ejus eam tenebat, et ex hoc dedit vadem, Rogerius Bigot nunc revocat hanc terram ad suum feudum. Modo servat Godricus in manu regis."

This passage shows clearly the legal equality of Normans and English under William's government, as well as the great uncertainty of the tenure of land and the way in which estates were constantly passing from one hand to another. But it shows also that the grant of the ownership of the land did not necessarily carry with it the driving out of the actual occupier. We see also the word *invasio* applied to a man keeping or taking possession of land to which he had at least a show of right if only he had neglected some legal formality. We see also that the offence of Ælfwine which led to his forfeiture must have happened late in William's reign; for Ælfwine is in a position to commit his *invasio* some while after Ralph's forfeiture. Lastly, the name Stanart or Stanhard is found in several entries in the second volume; 20, 98 *b*, 174, 174 *b*, 179, 183, 185, 320 *b*, 330 *b*, 419, 441 *b*. Two at least of these, in pp. 179, 185, refer to the son of Ælfwine. In both Stanhard holds parts of his father's estate under Roger Bigod; "Ahincham Stanart Anglus dimidiam carucatam terræ per manerium quam tenuit Alwinus T. R. E." And again, "In Burc tenuit i. liber homo Alwi commendatus tantum T. R. E. cvi. acras terræ, modo tenet Stanhardus xii. acras prati." These histories of Ælfwine and Godric show how an Englishman might keep both lands and office under William, though he kept them by a somewhat precarious tenure. We also see how the great English land-owner of one generation sinks into the mere tenant of the next. But all these things joined together to work the speedy fusion of the two races.

The oppressive behaviour of Reeves is taken for granted in a curious way in a passage of Eadmer (Vit. Ans. ii. 9), where he says that Anselm did not always live at Canterbury, because his people would have no redress against the oppression of the Reeves, if he did not visit his rural lordships. It is also taken for granted by Orderic, 764 A, where he says that many of the chaplains and

favourites of William Rufus received bishopricks, "et nonnulli ex ipsis præposituras ad opprimendos inopes, sibique augendas opes nihilominus tenuerunt." So in another place (876 A) he speaks of the indignation of Count Amaury of Evreux at the oppressions done by his officers during his absence in England; and he adds the comment, "Officiales mali prædonibus pejores sunt; pagenses nempe latrunculos, fugiendo, seu divertendo, devitare possunt: versipelles vero bedellos nullatenus sine damno declinare queunt." So in Stephen's charter (Will. Malms. Hist. Nov. i. 15); "Omnes exactiones, et meschenningas, et injustitias, sive per vicecomites vel per alios quoslibet male inductas, funditus exstirpo." Cf. the remarks of Waitz, Deutsche Verfassungsgeschichte, iv. 252. In iv. 286 he quotes several capitularies of Charles the Great and others, designed specially to hinder the King's officers, "comites, vicarii, judices et centenarii," from seizing and selling the lands of poor men. Lastly, in the Abingdon History (ii. 25), Abbot Adelelm sets himself to reform a state of things which is thus described; "Pro lege per abbatiæ loca rusticis deputabatur, ut quislibet eorum cui vel invidia vel cupiditas alterius adipisci rem inerat, præposita impleta manu, mercaturæ beneficio posset alium de suâ mansione expellere."

NOTE Q. p. 72.

Jews in England.

I do not remember any distinct mention of Jews in England before the time of William Rufus. On the continent under the Karlings they were protected, allowed to hold land (see Waitz, Deutsche Verfassungsgeschichte, iv. 291), and even employed in honourable offices. Thus Isaac the Jew (Einhard, Annals, 801, 802) went along with two Christians on the famous embassy to Haroun Alraschid, and alone lived to come back with the elephant Abulabaz. But I can find no mention of Jews in our ancient laws and chronicles. In the ecclesiastical laws both of Theodore and of Ecgberht there are a good many references to Jews, canons forbidding Christians to have intercourse with them and the like. But some of these are on the face of them copied from the decrees of ancient councils, and all of them may be so. On the other hand, in our

temporal legislation there is no mention of Jews earlier than the so-called Laws of Eadward (Schmid, 505), which of course represent the state of things rather under William than under Eadward. There, in § 23, the Jews are, just as under the Frankish Kings, declared to be the King's property and under his protection, and they are forbidden to commend themselves to any other lord without his leave. There is no mention of their holding land, but the existing buildings at Lincoln and at Bury Saint Edmund's show that they could at least hold houses in towns—"domus quæ quasi palatia regum erectæ fuerant," says Ralph of Coggeshale, 27—perhaps as the King's tenants.

I do not know that there are any land-owners in Domesday who need be Jews, though there are some who might be, as Manasses, whom we find in 77, 160 *b*, and Isaac in ii. 118, 264, 352 *b*, and 437 *b*. The names in themselves prove nothing, as there was a Manasses Archbishop at Rheims; and a Christian Isaac, no other than Bishop Gisa's Provost at Wells, appears in p. 71 of the Exeter Domesday.

How common the mention of the Jews begins to be from this time I need hardly stop to point out. The subject is fully treated in Toovey's Anglia Judaica, where however no case of a Jew earlier than the Conquest is produced. Their importance in the Angevin reigns forms a marked contrast to earlier times. The Norman Conquest may or may not have actually brought the first Jew into England; it is certain that it gave a great impulse to their coming.

NOTE R. pp. 94, 127.

ROBERT THE SON OF GODWINE.

OF the story of Robert, which illustrates a great number of points in the history of the time, I trust to have another opportunity of dealing more fully, together with other points in the reign of William Rufus. I will now only give the chief references for the history both of Godwine and his son Robert, a history which may be legendary in some of its details, but which a good many undesigned coincidences show to be true in its leading features.

I have mentioned in vol. iv. p. 571, that Godwine appears in Domesday as a tenant of the Ætheling in Hertfordshire. In a

story in Fordun, v. 22, which (v. 20, and Hinde's Simeon, i. 263) rests on the authority of Turgot, Eadgar is accused to William Rufus by one described as "miles quidam degener Anglicus, Orgarus nomine" of plotting to set himself on the throne. His innocence is proved in the judicial combat by one described as "miles de Wintonia, Anglicus natione, genere non ignobilis, nomine Godwinus." Then in Fordun, v. 25, 26, we read of the exploits of Godwine's son Robert in Scotland, and of his further adventures in that country. Lastly, Robert appears as a follower of the Ætheling in William of Malmesbury, iii. 251, who gives the details of his crusading exploits. (I may here mention that "Babylon" is more likely to be Cairo than Bagdad, as I said in the text.) Now all the notices in Domesday, in Fordun or rather Turgot, and in William of Malmesbury seem quite independent of one another; but all hang well together. The story is interesting both in itself, in the way in which it has to be put together, and in the glimpse which it gives us of the state of things under Rufus. We see that men of English birth could still now and then rise to eminence, but that, through the adoption of Norman names, they were likely in the next generation to be mistaken for Normans. It also shows how such Englishmen were likely to prefer the judicial combat to the national ordeal.

NOTE S. p. 110.

The Conquest of Glamorgan.

In an incidental reference in an earlier volume (see vol. ii. p. 247) I put more faith than it deserved in the legendary history of the conquest of Glamorgan, the picturesque tale of the settlement of Robert Fitz-Hamon at Cardiff, and of his twelve knights in the lesser castles of the district. There is of course no doubt as to the existence of Robert Fitz-Hamon or as to his settlement in Glamorgan. He is mentioned by Orderic (667 C) as a man who was promoted by William Rufus early in his reign, and his possessions in Glamorgan are witnessed, if by nothing else, by a crowd of entries in the Gloucester cartulary, recording his gifts to that abbey. After playing a considerable part under both William and Henry, he died (see Will. Malms. v. 398) of a

wound received at Tenchebrai, leaving a name behind him as the restorer of the monastery of Tewkesbury. Many also of the knights whose names are joined with his are undoubtedly authentic persons who figure in the genuine history. The Welsh prince, Jestyn ap Gwrgan, who is said to have invited the strangers, is more shadowy. He himself is not mentioned in authentic history, but the Margam Annalist (1127) speaks of the sons of Gestyn as well-known persons ("Rogerus Ymor a tribus filiis Gestin, Grifud, Garatauc, Guoroni, occisus est dolo."), and Giraldus speaks of the four sons of a certain Caradoc ap Jestyn among the Welsh princes of his time (It. Kamb. i. 7; vol. vi. p. 69). Nor is there anything unlikely in the tale that a Welsh prince called in strangers to help him against the local enemy, and that they in the end turned him out in concert with another native traitor. Still the tale lacks authority, and its chronology is quite inconsistent with the chronology of the time. It comes from the fuller and less trustworthy version of the Brut y Tywysogion, the one published by the Cambrian Archæological Association. In the more trustworthy copy published by the Master of the Rolls there is nothing about it, any more than there is in the authentic Annales Cambriæ. In neither of these is there a word about Jestyn ap Gwrgan. Then the whole story is placed in the year 1088, which is too late for some parts of the story and too early for others. Thus we know from the authentic Brut that the foundation of Cardiff happened in 1080, by which we are probably to understand 1082, but certainly not 1088 (see vol. iv. p. 680). Then the death of Rhys at Brecknock in 1093 is worked into the story, and is also placed in 1088. And again, the story represents Robert Fitz-Hamon and his confederate knights as independent freebooters conquering on their own account without any reference to the King. The authentic Chronicles, on the other hand, both English and Welsh, set before us the Welsh wars of the reign of William Rufus as wars waged by the King's authority and in which the King often took a personal share. This point has been well worked out by Mr. Floyd in the paper in the Archæological Journal which I have referred to in the text.

There is however an earlier entry which claims some attention. In the Brut already mentioned Jestyn ap Gwrgan is mentioned several times before 1088. Then in 1087 we read,

"The same year the Earl of Hereford and his forces, in conjunction with the grandchildren of Iestin son of Gwrgan and their forces, went and ravaged Worcester and Gloucester [Gærwrangon, a Chærlonyw] and the surrounding districts in their progress, and compelled the King to renew the liberty and privileges of all the counties in Wales and England, as they had been for ages."

This is clearly a mythical version of the revolt of 1088, in which, not the Earl of Hereford, but the Earl of Shrewsbury, is said to have employed a Welsh force against the King (see p. 78). That force may have been headed by the grandchildren of Jestyn, but it is somewhat odd to hear in this way of his grandchildren at a time when Jestyn himself is in vigorous action and has a daughter to promise in marriage.

NOTE T. pp. 133, 379.

The Appropriation of Ecclesiastical Revenues by William Rufus.

It seems quite clear from several of our authorities that the practice to which William Rufus is said to have been instigated by Randolf Flambard, that of taking to himself the revenues of a vacant bishoprick or abbey during the vacancy—which so easily led to keeping them vacant for the sake of the revenue—was an innovation brought in now for the first time. The Chronicler mentions the practice, and puts it among the evil deeds of Rufus, but he does not say in so many words that it was an innovation. Next in authority to the Chronicle comes Eadmer, who distinctly speaks of the practice as a new thing, which was not done in the time of the Conqueror. After his full description of the doings of Rufus in Hist. Nov. 14, he adds the emphatic words, "Et quidem ipse primus hanc luctuosam oppressionem ecclesiis Dei indixit, nullatenus eam ex paterna traditione excipiens." William of Malmesbury (iv. 314) is no less distinct. He describes the doings of Rufus, and contrasts them in a marked way with the conduct of his father. Orderic has two passages on the subject. One of them (763 C) is a mere complaint. In the other (678, 679) he distinctly speaks of the innovation, and goes more at length into the matter than any of the other writers. He enlarges on the

greediness and sacrilege of William Rufus, and contrasts his dealings with the Church with those of the ancient Kings and nobles from Æthelberht onwards. He then records and moralizes on the special innovation of Rufus with regard to the treatment of ecclesiastical properties during vacancies, he asserts it to have been the custom before the coming of the Normans, and distinctly attributes it to the influence of Randolf Flambard.

There seems therefore to be no doubt that the practice of the Crown taking the revenues of a vacant bishoprick or abbey really was an innovation brought in by Rufus, therefore most likely at the suggestion of Randolf Flambard, and that the practice had been unknown both under the native English Kings and under the Conqueror. I have shown in the text how logically the practice follows from the new doctrine. The whole thing is a perfect case of a lawyer's argument. The assumption from which the doctrine starts is purely arbitrary, but the inference from the assumption is made with perfect logical accuracy. The practical objection to the custom is the opening which it affords to the abuse into which it grew from the very beginning, that of keeping ecclesiastical offices vacant in order that the Crown might have a longer enjoyment of their revenues. In that art Queen Elizabeth showed herself fully as skilled as William Rufus himself.

NOTE U. p. 147.

The Death of William Rufus.

The received story that William Rufus died by an accidental shot of an arrow from the hand of a French knight named Walter Tyrrel is found, with slight differences in the details, in most of our usual authorities. We find it very briefly in Henry of Huntingdon, a little more fully in Florence, and more minutely in William of Malmesbury (iv. 333) and Orderic (781). On the other hand, it is plain that there were other versions afloat. The few words in the Chronicle, "Þæræfter on morgen æfter hlammæsse dæge wearð se cyng Willelm on huntnoðe fram his anan men mid anre fla ofsceoten," though they do not directly prove anything, yet sound more like an intentional than an acci-

dental killing; and the same may be said of the few words of the Battle Chronicle (p. 46), which, as coming from one of the few places where the Red King was held in some respect, is of some importance; "Occulto Dei quo ignoratur judicio casu, a quodam milite regni sui anno xiii. sagitta sauciatus, iiii° nonas Augusti vita defungitur." I think that, if we could read these passages without any knowledge of the familiar story, we should take them as meaning that the writers believed that Rufus was murdered, but that they did not know, or did not choose to tell, the name of the murderer. The continuator of William of Jumièges (viii. 9) tells the tale, though in a very few words, in the same way in which it is commonly told of Walter Tyrrel ("missa sagitta incaute a quodam suo familiari in corde percussus"), but without mentioning any one's name. So Benoît (iii. 335), who tells the story at great length, does not mention any name. Of the other rimers, Geoffrey Gaimar (Chroniques Anglo-Normandes, i. 51 et seqq.) has a good deal to say about Walter Tyrrel, as also has Wace (15168 et seqq.). So in prose has Walter Map (De Nugis, 222). But Gaimar also tells a story of a prophecy made by an old woman that the Ætheling Henry would soon be King, which both Sharon Turner (Hist. Eng. i. 168–169) and M. Francisque Michel in his note on Benoît look on as suggesting the notion of an assassination. It is plain from Eadmer also (Hist. Nov. 54) that there were several stories current at the time, and he makes no mention of Walter Tyrrel. Walter, it should be remembered, is a perfectly well-ascertained person, and he himself declared on oath to Abbot Suger (Duchesne, iv. 283) that he had not been anywhere near the King that day. Much weight is doubtless due to this solemn denial, especially as no one seems to have seriously charged Walter with intentional murder. John of Salisbury (Vit. Ans. 12; vol. v. p. 341), after recording the visions of Anselm and likening the death of Rufus to the death of Julian, refers to the denial of Walter, and clearly thinks the whole story doubtful. Giraldus (De Instructione Principum, 176) has quite another story, in which one Radulfus de Aquis takes the place of Walter Tyrrel. He also compares the death of Rufus with the death of Richard the First.

Compare the death of Miles Earl of Hereford, as told in the Gesta Stephani, 101, and by John of Hexham, 273.

NOTE W. p. 150.

The Fusion of Normans and English.

One of the chief errors which an historian of the twelfth century has to strive against is the notion that, for many generations, perhaps for centuries, after the Norman Conquest, there was a broadly marked line, recognized on both sides, between "Normans" and "Saxons." Thus, so late as 1867, Gneist (Englische Verwaltungsrecht, i. 112) says, "Das gegenseitige Verhältniss der Sachsen und Normannen indessen war und blieb mehre Menschenalter hindurch ein feindseliges. Die unterworfenen Sachsen erwiderten den Uebermuth ihrer Sieger mit Empörungsversuchen; als diese missglückt, mit stiller Erbitterung gegen die Ausländer und ihre französischen Sitten." Now I trust that no one who has followed me thus far needs to be told that no Englishman in the twelfth century called himself a Saxon, or was called a Saxon by anybody except a Scot or a Briton. The Englishman called himself an Englishman then, as he did ages before and as he does still. And, long before the twelfth century was out, the man of Norman descent born on English soil had learned to call himself an Englishman also. The notion of which I speak, the notion which finds its fullest developement in Scott's romance of Ivanhoe and in the work of Thierry to which that romance gave birth, has nothing to justify it in the language of the time. The plain facts of the case are that the lowest class would in the twelfth century be almost wholly of Old-English descent, that the highest class would be almost wholly of Norman descent, while in the intermediate classes, among the smaller land-owners and the inhabitants of the towns, the two were so mixed together that at last, towards the end of the century, it was, as the author of the Dialogus de Scaccario says (see vol. iv. p. 327), impossible to tell one from the other. Men of Old-English descent had adopted Norman fashions and Norman names, while men of Norman descent had adopted English feelings. The great time during which the work was done was undoubtedly the reign of Henry the First, and his share in the work is distinctly set forth in a remarkable passage of Walter Map (De Nugis Curialium, 209), where he speaks of the ill-feeling between the two races

as going on through the reigns of the two Williams, but as coming to an end under Henry;

"Henricus rex Angliæ . . vir providus et pacis amator . . Angliam pacificavit, a patre suo Willielmo Bastardo conquisitam, et nec per ipsum Willielmum nec per filium et successorem ejus Willielmum Ruffum compositam ad pacem, quia veteres incolæ suum nullatenus æquanimiter tolerantes exilium, infestabant advenas, fueratque per universum sævissima regnum seditio. Sed hic Henricus de quo nobis sermo, conjugiis hinc inde factis inter eos, aliisque quibuscumque potuit modis, ad firmam populos utrosque fœderavit concordiam."

The recorded facts of the time, and the usual way of speaking of the time, quite bear out the Archdeacon's statement, but it may be worth while to point out some instances of the way in which Thierry has contrived, by dint of colouring, by words and epithets which have nothing answering to them in the authorities, to press several events of this age into the service of his theory. The greatest case of all is where Thomas of London is turned into a man of Old-English descent and a conscious champion of Old-English interests. Here is a direct misconception of the facts; in other cases the story is simply made to put on quite another look by means of mere colouring. Thus, in the story of Brihtstan which I have referred to in the text, we know that the sufferer was an Englishman, both by his name and by a few words of English being put into his mouth. He protests his innocence in the words "þat min lavert God ælmihtin (eallmihtig) hic sege soð." But there is nothing whatever to show that Brihtstan suffered ill-treatment because he was an Englishman, or that a French-speaking man of his own rank—a well-to-do tenant of the church of Ely—might not have been ill-treated just as much. The story is told by Bishop Hervey, not to illustrate anything about the relations of Normans and English, but to glorify the power of Saint Æthelthryth. He does not even say a word as to the man's descent; he merely mentions his position in life and his good conversation. But Thierry (ii. 175), by constantly bringing in the words "l'Anglais," "le Saxon," gives the story quite another turn. He also leaves out the account of Brihtstan's deliverance, and has not a word to show the evident sympathy which the Norman Bishop and various other persons of Norman name clearly felt for him. So the Chronicler in 1124 speaks of the thieves who were

hanged and mutilated by the same Ralph Basset (see p. 159), and adds that many people believed that many of them were innocent. Thierry (ii. 174) first of all calls the King's thegns "barons anglo-normands," which they may very likely have been in another sense, and gives us an account of the culprits, whom the Chronicler speaks of simply as "thieves," which is purely out of his own head;

"Ils y firent comparaître un grand nombre de Saxons, accusés d'avoir fait le brigandage, c'est-à-dire la guerre de parti, qui avait succédé à la defense régulière contre le pouvoir étranger. Quarante-quatre qu'on accusait de vol à main armée furent condamnés à la peine de mort, et six autres à la perte des yeux par le juge Basset et ses assesseurs."

The only passage in any contemporary writer which can anyhow be made to favour the notion of any wide distinction between the two races, or of any strongly hostile feeling between them, is the story of a conspiracy in 1137 to kill all the Normans in England, the account of which in Orderic I have referred to in p. 281. But I failed to notice the reference to it in Ralph de Diceto, 508; "Ranulfus clericus Helyensis episcopi conjurationem fecit ad Normannos omnes interficiendos." (See Liebermann, Einleitung in den Dialogus de Scaccario, Göttingen, 1875, p. 19.) Thierry's notion (ii. 183–186) of "une conspiration nationale en vue de l'affranchisement du pays" seems to be grounded on the words of Orderic (911 A) just before the passage quoted in the text, "inter hæc Stephanus rex intestinis motibus Anglorum rumores audivit." Here again there is nothing in the usual language of Orderic to make us confine the word "Angli" to men of Old-English descent, or to make us understand by "Normanni" men of Norman descent born in England. Orderic, at this stage of his history, certainly never opposes "Normanni" and "Angli" to one another in the fashion of Thierry's "Normans" and "Saxons." We may be pretty sure that by "Normanni" are meant, in the strictest sense, natives of Normandy, and not men whose grandfathers or great-grandfathers had come over with the Conqueror. And this becomes more certain from the other notice, which makes the chief conspirator the chaplain of a Bishop of Norman descent and one who himself bears a Norman name.

It is in the same way that I understand the complaint of Eadmer (see p. 151) that Henry the First would bestow no high

ecclesiastical preferment on Englishmen. Eadmer no doubt had men of Old-English descent chiefly in his mind, but it is equally plain that his words refer to a state of things in which men from beyond sea were systematically preferred, not only to men of Old-English descent, but to natives of England of any kind. He has been speaking of the filling up of a number of prelacies by the King, and says that he supposes that the new Bishops and Abbots were meant to be shepherds and not wolves to the flock. He then adds (110),

"Quod tamen credibilius forte videretur, si non omnes ex alienigenis, sed aliquos saltem ex indigenis terræ, non usquequaque Anglos perosus, tali ministerio substituisset. Vitæ etenim meritum ac regularis observatio disciplinæ, necnon prudentia rerum administrandarum quæ oportebat, eis qui respuebantur, non minus quam iis inerat qui assumebantur. Unum eos, natio scilicet, dirimebat. Si Anglus erat, nulla virtus, ut honore aliquo dignus judicaretur, eum poterat adjuvare: si alienigena, solummodo quæ alicujus boni speciem, amicorum testimonio prætenderent, illi ascriberentur, honore præcipuo illico dignus judicabatur."

It is clear that "indigenæ" and "alienigenæ" are here opposed to each other, and that "Angli" and "indigenæ" are used as equivalent words. The use of the word "natio" looks the same way; for the phrases "natione Anglus," "natione Normannus" always refer to a man's place of birth, and not to his descent. Eadmer says elsewhere (94) of Robert of Meulan, "præfatus comes nec Anglos diligere nec aliquem illorum ad ecclesiasticam dignitatem provehi patiebatur." Robert, at least as much French as Norman, probably brought with him a continental dislike to the islanders generally. But we see the meaning still more plainly when we go through any list of the great ecclesiastics of the time. Eadmer's immediate reference seems to be to the great bestowal of prelacies in 1107 (see p. 227, note 3). In that year several Bishops (see Eadmer, 92) were consecrated, among them William of Warelwast to Exeter and the famous Roger to Salisbury; men certainly not English in any sense. Orderic (872 D) gives us a list of Bishops and Abbots appointed in 1120, nearly all of whom were monks of Norman monasteries. One exception was a man of the noblest Old-English descent ("de nobili Anglorum prosapia," as Orderic himself remarks), Waltheof the son of Gospatric, Abbot of Crowland

(see vol. iv. pp. 524, 603). Roger of Clinton, Bishop of Lichfield, who is mentioned in the same list, but who was not consecrated till 1127, would most likely be a man of Norman descent born in England. He may be matched with Robert Bishop of Bath, appointed in 1134, whom the Continuator of Florence describes as "Flandrensis genere, sed natus in partibus Angliæ." These two in short belong to the same class as Thomas and as Orderic himself; and it is quite possible that they may have had feelings no less English than theirs. But, to come back to Orderic's list, there is one man in it who was neither English nor Norman in any sense, but a mere foreigner from Poitou. This is the King's kinsman—it is not clear what the kindred was—Henry, who after holding various bishopricks and abbeys in Poitou, France, and the Burgundies, at last became Abbot of Peterborough, and of whom the Chroniclers have much to say in the year beginning 1127. We thus see that Eadmer's complaint was, with some exceptions, as Æthelwulf the first Bishop of Carlisle (see p. 230), perfectly well grounded; only the exclusion of which he complains extended to men born of Norman parents in England at least as strictly as to men of pure English descent.

The change of language in this matter is not hard to trace in the Chronicles. It is said, with some evident pride, that the rebels who arose against William Rufus in 1088 were all Frenchmen—"þa riceste Francisce men þe weron innan þisan lande," "ealle Francisce men." So they doubtless were in the Chronicler's sense of the words; all the leaders at least must have been actual natives of Normandy. And throughout the narrative of that year the valour and loyalty of "Englisce men" is dwelled on with delight. But we see too (see p. 77) that French and English alike were summoned by the same proclamation and under the same threat of being held for *Nithing* if they did not come. No language like this is found again, unless we except the remark that the Abbots who were deposed in 1102 were "Francisce and Englisce" (see p. 224), and the note of time in 1107 (see above, p. 227). The rebels of 1101 are not marked out as Frenchmen, but simply as "þa heafodmen her on lande," and those of the days of Stephen as "þa rice men þe wæron swikes." In 1101 many, in 1137 nearly all, of the rich men, the head men, must have been English by birth, "natione Angli," though most of them were "genere Normanni." Florence is one degree more particular; he points out the loyalty of the

"Angli" in 1101 as well as in 1088; but the deposition of the Abbots is the last time when he uses the word except in the King's style. Orderic (787 B) speaks in the same way as he had done before in describing the rebellion against Rufus, though in 666 D he uses the marked phrase "Angli naturales," a phrase which would of itself imply that there were other "Angli" to whom the qualifying epithet did not apply.

For the notion that some idea of special contempt was attached to the name of Englishman in these times I know of no authority but a rhetorical passage in Henry of Huntingdon which I have quoted in vol. iii. p. 505, and such an expression as that of William Rufus in Orderic (782 B) where he mocks at the English regard for omens; "Num prosequi me ritum autumat Anglorum, qui pro sternutatione et somnio vetularum dimittunt iter suum seu negotium?" Geoffrey Gaimar (Chroniques Anglo-Normandes, i. 53) makes Walter Tyrrel also use language of the same kind;

"De male mort pussent morir
Li Burgoinon et li François,
Si souzget soient as Englois."

And of course the same feeling lurks in the English nicknames of Godric and Godgifu given to Henry the First and his Queen. On the other hand, we must remember that in all the mass of writing which has gathered around Thomas of London, there is not one word to warrant the belief that any broad distinction was drawn in his day between men of Norman and Old-English descent. If we bear this in mind, we shall perhaps better understand one or two things which look the other way. Giraldus Cambrensis, who, as we shall presently see, draws the distinction, when it suited his own purpose, more widely than was usual in his own time, brings it (Vita Galfridi, ii. 19; vol. iv. p. 424, Brewer), as one of his many charges against William of Longchamp, Bishop of Ely (see p. 689), that he and his followers hated Englishmen, and used the name of Englishman as a name of the bitterest contempt;

"Anglos autem, cum tota curia sua, tanto et tam inexorabili est odio persecutus, ut usuali verbo in eorum opprobrium et improperium dicere consueverint: 'Anglicus fiam, si hoc fecero. Pejor sim Anglico, si illud admisero.' Ad injuriarum quoque cumulum et dedecoris augmentum, cum ad exquisita naturæ pergere parabant dicere solebant, 'Eamus facere Anglicum.'"

This, it should be remembered, is the insolence of a man from beyond sea, who seems to have looked down upon all the natives of the land without distinction. The language of such a man is no fair test of the kind of feeling with which a man whose forefathers had been settled in England for a hundred years looked on one whose forefathers had been settled there for seven hundred years. And in the whole story of Giraldus, himself of Norman descent, the anti-English feelings of William of Longchamp and his inability to speak English (ii. 12; vol. iv. p. 411) are made a part of the accusation against him. It is equally so in all the accounts of William of Longchamp's fall. The letter of Hugh of Nonant, referred to in p. 527, is the work of a man who was not only not of Old-English descent but was actually a native of Normandy. Yet he throughout speaks as an Englishman (Benedict, ii. 216); "Licet enim flexo genu *tota* Anglia ei deserviret, ad Francorum tamen libertatem semper aspirans . . . spreta in *omnibus* gente Anglorum stipatus agmine Francorum et Flandrensium pompatice incedebat;" "de regno Francorum cantores et joculatores muneribus allexerat;" "non respondebat, quia linguam Anglicanam prorsus ignorabat." When a Norman in the strictest sense could write like this, it is plain that the contempt for Englishmen of any class which was shown by William of Longchamp, and his utter ignorance of the English tongue, were not at that time the rule among the descendants of the first Norman settlers (see Stubbs, R. Howden, iii. xli). At all events, as William of Longchamp (see Giraldus, u. s. ii. 18; Stubbs, u. s. iii. xxxviii) was not exactly a Norman and not exactly a gentleman, his words seem very slight groundwork—and I know of no other—for the assertion of Lord Macaulay (i. p. 16) that "in the time of Richard the First, the ordinary imprecation of a Norman gentleman was 'May I become an Englishman!'" or that "his ordinary form of indignant denial was 'Do you take me for an Englishman?'" Another charge against William of Longchamp is put by Richard of the Devizes (31) into the mouth of Earl John. He is "filius perditionis, pejorum pessimus, qui de Francorum facetiis præposterum geniculandi genus transvexit primus ad Anglos." Whatever is meant here and by the "flexo genu" just before, it was something that offended a national English feeling in which John shared.

In high-wrought and rhetorical passages, and again when we get anything like speculation, anything like the rude beginnings of

ethnological science, the distinction naturally comes out more strongly. Men of Norman descent had of course not forgotten their Norman descent; but it would seem that they sometimes needed to be specially reminded of it. We have two accounts of the Battle of the Standard (see p. 266), in both of which the Norman feelings of the nobility of northern England are appealed to. In Æthelred of Rievaux (X Scriptt. 339), Walter Espec, though he addresses the "universus populus," appeals wholly to Norman associations, to victories over the French and conquests in Apulia, while the Conquest of England is slurred over in the words that it was "Angliæ victor Willielmus" who enforced the great homage at Abernethy. If such a speech as this was ever really addressed to an army a great part of which at least must have been English, it reminds one of the speech of Brasidas (Thuc. iv. 126), where he talks to his motley force of Helots and allies about the innate valour of Spartans and the blessings of that form of government in which a few conquerors rule over the many conquered. In Henry of Huntingdon (Scriptt. p. Bed. 222 *b*) the speech is put into the mouth of Ralph Bishop of Orkney, and the idea, substantially the same, is put into other words; "Proceres Angliæ, clarissimi Normannigenæ (meminisse enim vestri vos nominis et generis præliaturos decet), perpendite qui, et contra quos, et ubi bellum geratis; vobis enim nemo impune restitit. Audax Francia vos experta delituit. Ferax Anglia vobis capta succubuit," etc. Yet we read directly after, "Respondit omnis populus Anglorum, et resonuerunt montes et colles Amen." Thierry (ii. 201) jumbles together the two versions in a strange way, and puts the speech into the mouth of an imaginary person, "Le Normand Raoul, évêque de Durham"—the Bishop of Durham at that time was Geoffrey—and says that it was made "en langue française," which is quite possible, though neither of our authorities tells us so. He goes on further to wipe out the curious fact (see p. 267) that the Galwegians called the Normans "Galli," by translating Galli "Normands." These Galwegians, who in most of our accounts are called Picts, appear in the speech of Robert of Bruce to David (see p. 270) as "Walenses"—a memory of British Strathclyde—and Robert is made to say that David had hitherto been "amabilis Scottis, terribilis Galwensibus." He too distinguishes "Angli" and "Normanni;" but he treats the former name with

great respect. David is leading his army against Englishmen and Normans. But his own army would be of no use but for the English and Normans who were in it. His Scots and Welsh will serve him but little without English wisdom and Norman valour; "ex quo rogo te, domine mi, tantam fidem invenisti in Scottis ut tam secure tibi tuisque Anglorum demas consilium, auxilium abroges Normannorum?" Henry of Huntingdon throughout speaks of the army as "Angli et Normanni," and Roger of Howden (i. 195) in one place substitutes that form where Henry has simply "nostri."

So much for rhetoric. Giraldus Cambrensis, as becomes a scholar and scientific man, very often distinguishes "Angli" and "Normanni," and specially in one very remarkable passage (Desc. Kamb. i. 15; vol. vi. p. 193), where, after speaking of the boldness of speech of the Welsh, he adds,

"Romanos et Francos hanc eandem naturæ dotem habere videmus: non autem Anglos, sicut nec Saxones a quibus descenderant, nec Germanos. Sin autem servitutem causaris in Anglis, et hunc eis inde defectum assignas, in Saxonibus et Germanis, qui et libertate gaudent et eodem tamen vitio vexantur, ratio non provenit."

So in the De Instructione Principum (168), speaking of the forest laws, he says, "Cujus dominatum tantum et tam patulam, tamque repletum tyrannica magis vis Normannorum extorsit quam ulla certorum fiscalium redituum præbuit aut præbet, etiam de cervicibus Anglorum pronis et modis omnibus in subjectionem et servitutem datis et principis ad nutum sub quocumque discrimine semper servire paratis."

In the former of these two passages the English, in a strictly ethnological sense, are described as a conquered people. In the second, though "Angli" and "Normanni" are opposed, it is by no means clear that Giraldus did not mean by "Angli" all the inhabitants of England. But we must remember who is speaking. He was not only a learned man who prided himself on making accurate distinctions, but he was not English in any sense, neither "natione" nor "genere." "Natione" he was Welsh; "genere" he was Norman with a slight touch of Welsh. Such a man, though he could on occasion take part with insulted Englishmen, would habitually feel towards England and Englishmen in a very different way from a man, of whatever race, who was born and

bred in the land. And it is to be noticed that, as we get further from the time, as we get into times when men began to speculate, when they began to ask about the causes of the phænomena of the two languages spoken in England, we find the distinction drawn in a way in which we do not find it drawn in times when the distinction might have been more practical. Such for instance is the well-known passage of Robert of Gloucester, which I quoted for another object when speaking of the use of the word "English" (see vol. i. p. 599). And later writers seem sometimes to have drawn a little upon their imagination, in order to throw back this feeling into the times when it might have been looked for, but when it is not to be found. Let us take for instance the different accounts which we have of the loss of the Ætheling William and his companions in the White Ship. Thierry gives us an elaborate picture, how the English rejoiced over the sorrows of their Norman masters, how they saw the hand of God in the blow which hindered a new Norman fleet from reaching the English shore, and how they rejoiced in the fate of the proud young prince who had threatened that, when he became King, he would yoke the English to the plough like oxen. Now it is plain that, if this last saying were genuine, whatever it might prove about young William and his companions, it would at least tell in favour of Henry the First. William promises to chastise with scorpions those whom his father at the outside chastised only with whips. But, when we look into the matter, we shall find that this picture rests on very slight grounds. Thierry refers to Henry of Huntingdon and Gervase as seeing a divine judgement in the fate of the Ætheling and his companions (see p. 195). And so they do; but the only judgement which Gervase sees, and the only judgement which Henry sees when he speaks prose in his own person, is a judgement on their personal vices, without a word of national feeling. But Henry quotes a poet, whether himself or any other, who certainly takes another line. In his opening verses (218 *b*) we certainly do see the fate of the White Ship turned into something like a divine interposition to hinder another Norman invasion of England;

> "Dum Normannigenæ, Gallis clare superatis,
> Anglica regna petunt, obstitit ipse Deus."

That is to say, we have got from prose into verse, from the facts of the present to the memories of the past. When a ship sets sail

from Normandy to England, a ship whose captain boasted how his father had taken the Conqueror across from Saint Valery to Pevensey, a ship which held the grandson of the Conqueror and a crowd of others Norman by birth or by descent, the poet's mind naturally went back to the event of fifty-four years earlier, and he talked in a way in which he would not have talked in plain prose. His words might naturally be taken in Thierry's sense, if such had been the usual way of speaking at the time. There is not the least need to take them in that sense, when such a way of speaking is not usual at the time. The threat to yoke the English like oxen comes only from Bromton (X Scriptt. 1013) and Rudborne (Ang. Sac. i. 274). Bromton indeed quotes William of Malmesbury as saying, "Quod ille Willielmus regis primogenitus palam Anglis fuerat comminatus, quod, si aliquando super eos regnaret, faceret eos ad aratrum trahere quasi boves." But these words are not found in any part of the writings of William of Malmesbury as we now have them, and they breathe a spirit wholly different from that in which, in his genuine narrative, he tells the tale of the White Ship. We may fairly ask for some better evidence than this to make us believe that William the Ætheling, the son of "Godric" and "Godgifu," spoke in this way of the people to whom his father belonged "natione" and his mother "genere."

Another kind of evidence is supplied by the language of the writers of the time in describing the wars waged by Henry the First against France. This we have chiefly to study in Orderic and in Suger. Neither writer is wholly consistent in his way of speaking, and their incidental forms of speech must not be pressed too far; but, taken in connexion with other signs, they must be allowed to prove something. When the mixed armies of the prince who ruled over both England and Normandy are constantly spoken of as English, it proves at least thus much, that men of Norman birth and descent did not look upon the name of Englishman as anything to be ashamed of. To speak of all the subjects of the King of the English as English, without regard to their real birth and speech, is an inaccuracy common in all times. Modern political language supplies many instances. There are people who find it hard to understand that Norway and Hungary are independent kingdoms, and that all subjects of the King of Sweden and Norway and of the King of Hungary and Bohemia,

Archduke of Austria, &c., are not Swedes or Austrians. So, before Piedmont grew into Italy, it was common to hear the Sardinian name extended to the continental dominions of a prince who drew what was then his highest title from the least valuable part of his possessions. All these forms of speech, whether in the twelfth century or now, are inaccurate in themselves and lead to further confusions of thought. Still they mark the aspect which the composite dominions of the sovereigns of Austria, Sweden, Sardinia, or England, bear or bore in the eyes of the world in general. The inaccuracy is in itself part of the evidence. A writer who, in such cases, always uses a correct name is most likely making a conscious protest against some incorrect way of speaking. It is not wonderful that we should sometimes find the King of England's subjects, English and Norman, carefully distinguished from each other; nor is it wonderful that, from a French point of view, the armies of Henry the First should be spoken of in a mass as Norman. The remarkable thing, if we are to believe that the English name had become the badge of utter contempt which some tell us that it was, is that such a mixed force should ever be called English. But such is very often the case, especially in the two writers whom I mentioned above. In Orderic this way of speaking is doubtless one of the signs of his English patriotism; but his English patriotism is itself part of our case, and he would hardly have used language which would have been either unintelligible or offensive to those among whom he lived. As he delights to speak of himself as an Englishman, he seems also to delight in extending the English name to all who can by any means be forced to have a share in it; and he certainly strains a point when (655 D) he speaks of the Conqueror himself as "Angligena rex." It is less wonderful when (766) he not only calls the forces of Rufus in the French war "Angli," but speaks of Rufus himself as "Anglicus rex." He carries on the same opposition between "Angli" and "Franci" in the wars of Henry (see 853 D); and in one most remarkable story (849 C), a French ambush passing themselves off for soldiers of King Henry are made to shout the "regale signum Anglorum"—the old cry of "God Almighty" or what?—and presently, when they have thrown off their false colours, they shout "Meum gaudium, quod Francorum signum est." In short, this is Orderic's usual way of speaking through the whole of his narrative of these

wars. Henry, who, whether he was of Norman or English descent, had no such special reason at Huntingdon as Orderic had at Saint Evroul for trumpeting forth an English patriotism, constantly speaks of the armies of Henry in the French wars as Normans. But the writer whose usage is most remarkable is the famous Abbot of Saint Denis. The language of Suger might seem at first sight to be inconsistent or retrograde. In his political summary of the war between Philip and Rufus (see above, pp. 97, 98) he seems almost studiously to oppose "English" and "French;" but, when he comes to tell the military story of the wars of Lewis and Henry more in detail, he commonly speaks of the forces of Henry as "Normanni." The distinction is reasonable and natural. Politically the war was an English war; it was a war of a new kind, quite unlike those which earlier French Kings had waged with earlier Norman Dukes. It was not merely that the Norman Duke now bore the title of an English King; an altogether new character was given to political and military relations by the accession of the strength of England to that of Normandy. A new power was beginning to show itself in continental affairs, a power which, as the far-seeing Suger foretold (see his words quoted in p. 97), might one day claim for itself a continental dominion in its own name. All this is expressed by the use of the word "Anglus" in the political summary with which he begins his work. But, when he comes to the more detailed military narrative, a narrative of warfare carried on for Norman interests and on French or Norman ground, a warfare in which, if the troops were largely English, the leaders, or at least the best known among them, must have been mainly Norman, it is not wonderful that the use of the Norman name prevails. The statesman saw that the war was a war with England; but each particular siege or skirmish had mainly the look of a strife with Normans. It was in fact a struggle in which the name and the strength of England were swayed by a Norman will and used for Norman purposes, a struggle in which England as yet appeared only as an ally of Normandy, but in which she was before long to take an interest on her own account. The language of Suger in the two different parts of his work seems quite to fall in with this way of looking at the matter. But at all events, the language both of Orderic and of Suger is enough to show that the English name was not at the beginning of the

twelfth century a name of such utter contempt as romantic writers would have us believe. It was clearly a name which was often applied, inaccurately perhaps but certainly not in scorn, to the aggregate of which the Norman subjects of the King of the English formed a part.

Another use of names, but which on the whole looks the same way, is found in another account of warfare in which men of both Norman and English race took a part. This is the crusade in which Lisbon was taken in 1147 (see p. 313). In the German account by Duodechin, the contingents to the confederate fleet, besides the Germans who set sail from Köln, are spoken of as "Flandrenses" and "Angli," besides a single adventurer from Pisa. But in the account by Osbern (De Expugnatione Lyxbonensi, Stubbs, Itinerarium, cxlii) "nostri" are always spoken of, and they are always distinguished in a marked way as "Normanni et Angli." Of their leaders, those who bear the apostolic names of Simon of Dover and Andrew of London might be of either race. But Hervey of Glanville and Saher de Cellis are plainly Norman. Hervey addresses the whole insular host (clviii, clix) as "fratres," but he appeals, like Walter of Espec, to Norman memories. He speaks of "generis nostri mater Normannia," and says, "Normannorum gens, quis nesciat usu continuato virtutis laborem recusare nullum?" The "Normanni" and "Angli" are always spoken of together, as opposed to the "Colonenses" and "Flandrenses." The whole host was rather oddly known in Spain, just as in the East, as "Franci." Among these "Angli" and "Normanni" were men from Kent, Suffolk, Southampton, and Bristol, and some seemingly from Normandy itself; for we read (158) of the "naves Normannorum, Hamtonensium, et Bristowensium." Henry of Huntingdon says of the whole fleet, "Pars eorum maxima venerat ex Anglia." It is most likely that in this description the names "Normanni et Angli" mean all who were either Norman or English "natione," whether they were so "genere" or not. But it is plain that the two had now a common feeling, even as distinguished from Flemings and North-Germans. Nor could Hervey of Glanville, in appealing to Norman patriotism, have meant, any more than Brasidas or Walter of Espec, to say anything offensive to those of his followers who came of the blood of the conquered. I should specially like to know the exact nationality of "Willelmus Vitulus." I conceive him to have been one of the "genus hominum nauticorum

quos Vitulos vocant," who are spoken of by William of Malmesbury (Hist. Nov. iii. 73) in the parts of Southampton.

I shall have other opportunities of tracing the progress of fusion in language, nomenclature, and other ways. I have here been dealing chiefly with what I may call the negative witness of contemporary writers. In them we may look in vain for any sign of that long-abiding hatred between Normans and "Saxons" of which Thierry has, after his master Scott, given us so eloquent a picture. When we believe that the keep of Coningsburgh castle is older than the Norman Conquest—when we believe that Englishwomen, whether of the fifth or of the twelfth century, bore the names of Rowena and Ulrica—when we believe that the Christian English folk of the twelfth century prayed to the Slavonic idol Czernibog, or swore by the soul of the heathen Hengest—when we believe that there was a time when Normans and English differed about the time of keeping Easter—when we believe that there were lineal descendants of Eadward the Confessor —when we believe that the son of a man who had fought at Stamford-bridge was alive, and seemingly not very old, when Richard the First came back from Germany—then we may believe in the state of things set forth in the History, and of which the Cedric (Cerdic?) of the romance is the popular embodiment. Thierry says at the end of his work that there are no longer either Normans or Saxons except in history ("il n'y a plus de Normands ni de Saxons que dans l'histoire"). I am thankful to say, from some knowledge of both, that neither the Norman nor the Saxon stock has been cut off on their several sides of the sea. But, in Thierry's sense of the words, it would be truer to say that there never were "Normans" or "Saxons" anywhere, save in the pages of romances like his own.

NOTE X. pp. 153, 161.

The Character of Henry the First.

The modern reader is at first sight startled at the admiration which his own age plainly felt for Henry the First, a prince who, according to modern notions, does not seem worthy of much esteem. With little that was attractive in his public or private

conduct, there was nothing like the dazzling glory of his father's exploits to blind men's eyes to what was amiss in him. Yet the character of Henry as a ruler deeply impressed all his contemporaries, and their deliberate judgement looked on the evil side of him as far outweighed by the good. And this favourable judgement is in no way confined to flatterers. William of Malmesbury, both whose works are dedicated to Henry's son, was bound to make out the best case for both father and son. But no such objection applies to the honest panegyric of the English Chronicler, coupled as it is with his constant complaints of Henry's fiscal exactions. His belief evidently was that, though in Henry's days there was much of hardship to be borne, yet his government hindered far more of evil than it caused. And if the Chronicler is no flatterer, neither is Orderic, though both in his praise and in his blame we may take off a little on the score of fine writing. Orderic's admiration of Henry comes out almost every time that he is mentioned, from the panegyric (783 B) with which he opens his reign to the epitaph (902 A) on the "gloriosus pater patriæ" with which he ends it.

Henry of Huntingdon, after recording the triumph of Tinchebrai (217), with the curious comment that "antea et dum juvenis fuisset, et postquam rex fuerat, in maximo habebatur despectu," goes on to enlarge on his favour with God and his possession of the three gifts of wisdom, victory, and riches. He at last sends him out of the world with several hexameters, of which the lines that most concern us are those in which he sets forth his hero's English position;

> "Anglia, quæ cunis, quæ sceptro, numinis hujus
> Ardua splenduerat, jam tenebrosa ruit.
> Hæc cum rege suo, Normannia cum duce marcet;
> Nutriit hæc puerum, perdidit illa virum."

After Henry's death he somewhat changes his tone, saying that, when the great King was dead, people began to speak freely about him, and how against his three merits they set three vices, avarice, cruelty, and lust. Thus far the Archdeacon speaks as an historian; in the epistle "De Contemptu Mundi" he speaks from the point of view of a moralist. His object in that treatise leads him to exaggerate men's faults, except those of a few special friends, and to show by the usual commonplaces the vanity of all human great-

ness, and that all Kings must be wicked and unhappy. The only point of much importance about King Henry is that Bishop Robert of Lincoln (Ang. Sac. ii. 691) told his Archdeacon Henry that the King was such a dissembler that his praise of any man was the best proof that he was compassing his destruction. He then speaks of Henry's dealings with his brother ("frater suus et *dominus* Robertus"), and the story of the children of Juliana (see above, p. 157), ugly enough in itself, is made uglier still to sharpen the point of the declamation. Then he goes about to excuse himself for speaking well of the King in his History and finding fault with him now. In short there is no real contradiction; moralizing rhetoric uses a different language from history. The one brands, perhaps exaggerates, Henry's crimes; the other deems that, comparing him with the Kings who went before and after him, his crimes were greatly outweighed by his merits.

Robert de Monte, as he is commonly called, the continuator of William of Jumièges, draws (viii. 10) a splendid portrait of Henry. And, further on (viii. 22), after recording one or two cases of imprisonment and of putting out of eyes, he gives him another panegyric on a ground which one would hardly have expected, namely for the number of mercenary soldiers whom he kept in pay. Yet under a strong government like that of Henry, the mercenaries, like the old Housecarls, might do much to keep the land in peace, while any excesses of which they were guilty would be less grievous than the uncontrolled anarchy which followed. At the same time, their pay would be one chief cause of the fiscal oppressions of which we hear so much. In his next chapter he enlarges on the punishment of the false moneyers as a case "in quo apparebit et severitas justitiæ ipsius in impios, et contemptus pecuniæ in comparatione rectitudinis." And, while the English Chronicler speaks of the evils at home which came of the bad money, the Norman Abbot dwells on the complaints of the soldiers who were thus defrauded of their just pay. All this must be qualified by what William of Malmesbury (v. 411) says (see p. 160) about the change in Henry's system of punishments; how "principio regni, ut terrore exempli reos inureret, ad membrorum detruncationem, post ad pecuniæ solutionem proclivior." But the praises of Robert de Monte are borne out by the words of Eadmer (94) and Florence, and we must remember the power of bribes in the

days of Rufus (see p. 75) to deliver the thief from the gallows. Nor should we forget that the decree against the moneyers and that which restrained the excesses of the King's immediate followers were both issued with the approval of Anselm.

But some of the most remarkable of Henry's admirers are to be found beyond the bounds of his own dominions. He is extolled in the Chronicon Mauriniacense (Duchesne, iv. 365) and in the Auctarium Gemblacense (Pertz, vi. 391). But he has two special panegyrists, and one of them in a hostile kingdom. This is the famous Abbot Suger of Saint Denis, who has much to say of his good fortune (Duchesne, iv. 308) and his general excellence (iv. 303); even in quoting the prophecy of Merlin (see p. 158) he gives him a grand formal panegyric. His other foreign admirer is the biographer of the Bishops of Le Mans, who records his death (Vet. An. 347) as "inæstimabilis probitatis vir," as he had already drawn a portrait of him (Vet. An. 344) in a strain of glorification which surpasses everybody else. With him there are no three vices to except. Henry is the model of every virtue.

The whole force of these praises rests in this, that, whatever were Henry's particular crimes or vices, he did the first duty of a King, the preservation of peace in his dominions, in a way in which few princes in his time did it, and in a way which shone forth all the brighter when it was compared with the state of things either before or after him. In drawing the portrait of the man, the bad side of his character is likely to come out most strongly; but the bad side of him hurt only a few of his subjects, while every man in his kingdom and duchy reaped the blessings of that firm rule under which no man dared to hurt another. As in the case of his father (see vol. iv. p. 713), those who had complained of him in his lifetime at once felt what they had lost when he was gone. So witnesses Henry of Huntingdon in the words which directly follow the passage describing Henry's faults; so speaks the Chronicler; so Orderic (902 A); so the author of the Gesta Stephani in the opening of his work; and no one uses stronger language in praise of Henry than the two Hexham writers, Priors Richard and John (X Scriptt. 258, 309), of whom the former was absolutely contemporary. And that his good reputation became traditional we see by the witness which Robert of Gloucester gives both to his learning and to his zeal for justice (ii. 420, 422, 428).

Of his particular good and bad qualities, there is an apparent, though not a real, contradiction between his particular acts of cruelty and the character which is also given him for general humanity. That is to say, Henry honestly sought the welfare of his subjects, and was ready to listen to and to redress any complaints of oppression, while passion or policy often led him into particular acts of cruelty towards individuals. Against such stories as the alleged blinding of William of Mortain, the more certain blinding of Luke of Barrè, and, the worst story of all, the treatment of the children of Juliana, we have to set some distinct testimonies which attribute to Henry a distinct dislike to oppression, and a real care for the well-being of the poorer and more defenceless among his subjects. (See Orderic, 879 B; Eadmer, Hist. Nov. 76, 94; Will. Malms. v. 411.) All this is in no way inconsistent with the charge brought against him of heavy pecuniary exactions. A King might be strict in requiring the payment of taxes which by men to whom all taxation seemed a burthen might be deemed unjust, and might at the same time take care that no illegal demands were made either on his own immediate tenants or on his subjects in general. In short, the bad side of Henry shows itself towards this or that man; the good side shows itself towards whole classes and whole nations. His cruelties are isolated; his acts of beneficence are systematic. Here then is quite reason enough for the honour in which his memory was held, even if his memory had not vastly gained by the contrast between his times and the times which followed them.

The personal licentiousness of Henry, one of the three vices with which his namesake of Huntingdon charged him, is marked in various passages, as Orderic, 823 B; Wace, 15376–9; William of Newburgh, i. 3; R. Hexham, 310; and William of Malmesbury, v. 393, 418, and 422, which last passage, strange as it sounds, has a meaning when we compare it with his account of the vices of Rufus. Of his natural children, Robert of Gloucester must have a place to himself. Reginald, afterwards Earl of Cornwall, fills a considerable place in the history of Stephen and Henry the Second. For Robert the son of Eadgyth, see p. 306. Matilda who died in the White Ship was either his sister, or more likely the daughter of another mother of the same name, as "Editha mater comitissæ de Pertico" appears in Henry's Pipe Roll, 155. Richard, who also died in the White Ship, was the son of Ansfrida widow of Anskill (see the

Abingdon History, ii. 17, 37, 122, and cf. Domesday, 58 *b*, 63), and was born before Henry came to the crown. He had also, late in his reign, a daughter by Elizabeth, daughter of Robert and sister of Waleran of Meulan, who married Gilbert, Stephen's Earl of Clare. See Will. Gem. viii. 29, 37; Ord. Vit. 917 B.

I spoke in the text (see p. 160) of Henry's special activity in going to and fro in different parts of the kingdom. After I had made ready a stock of materials on this point, Mr. Boase was good enough to put into my hands a complete manuscript itinerary of the reign; but want of space hinders me from making use either of his materials or of my own. I will only remark that, while Henry appears frequently in most parts both of Wessex and Mercia, his appearance beyond that limit is rare, and seems always owing to some special cause. Candlemas, as well as the three great feasts, seems now to be marked as a time for holding assemblies.

Henry's panegyrists (Will. Malms. v. 413, Will. Gem. viii. 32) enlarge on his piety, chiefly as shown in the foundation of the abbey of Reading, and in other foundations and benefactions, among which we find one charitable work in the dominions of his nephew Theobald, namely, a hospital for lepers at Chartres. Richard of Hexham (X Scriptt. 309) speaks of his foundation of Cirencester, which must have been a mere change of secular canons into regular; see Monasticon, vi. 175, 177, where Henry's grant is described as "tota tenura Reimbaldi presbyteri" (cf. vol. ii. p. 359, iv. p. 41, and above, p. 751), and mention is made of the rights held by the church in the time of Eadward. We hear also of Henry's liberality to pilgrims, especially to the military orders in Palestine which were just now beginning to rise into importance. He also rebuilt the church of Evreux, which had been burned in his wars (Ord. Vit. 852 B, Will. Gem. viii. 32). And he also showed himself submissive to ecclesiastical teaching in quite another line, when (Ord. Vit. 815, 816) he listened with his court to the sermon of Serlo Bishop of Seez against long hair, and submitted to be then and there cropped by the hand of the preacher. A most curious anecdote recorded in the Annals of Osney (1130) shows something like an outpouring of personal zeal on Henry's part at the consecration of the metropolitan church after its enlargement by Anselm, Conrad, and Earnwulf. On the other hand, see Matthew Paris, Hist. Ang. i. 207; cf. 217. Still we may sum up all with the short

but pithy saying of the Burton annalist, 1100, "Hic rex Henricus destruxit impios regni."

NOTE Y. p. 171.

HENRY THE FIRST'S APPEAL TO THE ENGLISH.

IN the narrative of Thierry (ii. 151, 152), as soon as Henry is elected King, before the invasion of Robert and even before his marriage, he makes a stirring and patriotic speech to his English subjects, reminding them of his birth in the land, promising them the laws of King Eadward, and telling them that, if the English stand by him, he shall not be afraid of the Normans. He promises them a written document to this effect, and the well-known charter which he issued at his coronation is described as the result of this promise. A reference is given which, after some searching, may be found in Thomas Rudborne (Anglia Sacra, i. 274). According to him, copies of the charter were sent to the chief abbeys; but, after a while, Henry repented of his concession, and got hold again of all the copies except three. Then, by rolling together this passage of Thomas Rudborne and a passage of Matthew Paris (62 Wats, i. 203 Madden), we are told that the copies of the charter were taken away when the King impudently broke his word; "Les exemplaires furent déposés dans la principale eglise de chaque province: mais ils n'y restèrent pas longtemps; tous furent enlevés quand le roi se rétracta, et, selon l'expression d'un ancien historien, faussa impudemment sa parôle." The speech, as given by Thierry, is not an unfair translation of a speech in Matthew Paris. But this speech, which rests wholly on the authority of Matthew Paris, is moved by Thierry to quite another time from that to which Matthew Paris assigns it, and is connected by Thierry with other things with which Matthew Paris does not, and indeed, with the date which he gives to it, could not connect with it. It appears in Matthew Paris in two forms and in two places, but neither of them comes in the place given to it by Thierry. In the edition of Wats it appears, not in the year 1100, in the very first days of Henry's reign, but in the year 1106, when Henry is setting out for the final conquest of Normandy. So it is in Mr. Luard's Chronica Majora (ii. 130); in Sir F. Madden's edition of the Historia Anglorum it appears twice (i. 163, 203) both at the same point as in the other versions

and also, with some modifications, at an earlier stage, when Henry is not yet King, but when the false news has come that Robert has been chosen King of Jerusalem. Epically the speech comes in much better in the place in which Thierry puts it than in either of those in which it is placed by Matthew Paris; but, as the speech is recorded by Matthew Paris, and by Matthew Paris only, it is a somewhat bold stretch on the part of a modern historian to move it to a place of his own choosing, even though it be a more fitting one. In examining Thierry's version, we must of course compare it with the speech as it stands in the edition of Wats, which he must have used. It is plain that, in a speech made in 1106, Henry could not for the first time make the promises and put forth the charter which he had already put forth in 1100. In Matthew Paris therefore the King naturally speaks of confirming promises and writings which had been already made. This purpose is, "Vos in pace in antiquis vestris libertatibus, prout crebrius jurejurando promisi, gestio confovere, et vestris inclinando consiliis consultius ac mitius, more mansueti principis, sapienter gubernare, et super his, si provideritis, scripta subarata roborare, et iteratis juramentis prædicta certissime confirmare, omnia videlicet quæ sanctus rex Edwardus, Deo inspirante, provide sancivit, inviolabiter jubeo observari." This is the natural language for Matthew Paris to use, as he had already (55, Luard, ii. 115) recorded Henry's earlier promises and given a copy of his charter in their proper place. Thierry, as naturally, leaves out the words which refer to earlier promises and writings, and makes the passage stand thus; "J'en ferai, si vous le demandez, un écrit signé de ma main, et je le confirmerai par serment." And having got thus far, it was no less natural to connect these promises with the story in Thomas Rudborne about the copies of the charter, and to work together his phrase "successu temporis, quum, maligno spiritu instigante, pœnituit regem hoc fecisse" with the words of Matthew Paris, "talibus igitur promissis, quæ tamen in fine impudenter violavit, omnium corda sibi inclinavit." The weaving together of the two stories and the change of date are undoubtedly ingenious; but it may perhaps be thought that they pass even the bounds which may be reasonably allowed to a French writer working hard on behalf of a theory.

So much for the facts, or supposed facts, of this speech, as reported by the mediæval and by the modern historian. The needful

colouring on the part of Thierry is of course to be taken for granted; but in this case it perhaps goes rather further than usual. The speech is introduced with the following minute description of the new King's motives; "La fidélité des Anglo-Normands lui était suspecte; il résolut de se créer en Angleterre une force indépendante de la leur, et d'exciter à son profit le patriotisme des Saxons. Il tendit la main à ces pauvres vaincus, qu'on flattait au jour du péril, et que le lendemain on écrasait, convoqua les principaux d'entre eux, et leur tint, par interprète, le discours suivant." On turning to the text of Matthew Paris, we find nothing about "Saxons" and their patriotism, nothing about the "poor vanquished," nothing about an assembly composed of people of any particular race or language; least of all is there anything implying that the King born in the land needed to speak through an interpreter to any class of his subjects. In Matthew Paris the speech is made to the great men of the land generally, regularly assembled in council, without a word as to any distinctions of race or language. His words read like a regular meeting of the Witan; "Magnatibus igitur regni ob hoc Londonium edicto regio convocatis, rex talibus alloquiis super mel et favum oleumque mellitis et mollitis blandiens dixit." He speaks of them without distinction as his countrymen and as Englishmen. They are addressed as "amici et fideles mei indigenæ ac naturales." Then comes a contrast between Robert and himself, followed by the promises of a confirmation of his own charter and of the observance of the laws of Eadward, which I have already quoted, and the speech winds up;

"Ut mecum fideliter stantes, fratris mei, immo et mei et totius regni Angliæ hostis cruentissimi, injurias potenter animose ac voluntarie propulsetis. Si enim fortitudine Anglorum roborer, inanes Normannorum minas nequaquam censeo formidandas."

In the Historia Anglorum the wording of the speech differs a good deal, but the general argument is the same. The only difference worth mentioning is that, instead of the last sentence, we read,

"Vos igitur Angli si constanter stetis mecum, neque suorum Normannorum neque Francorum, quibus a multo tempore confœderatus est, minas ampullosas aliqualiter pertimesco."

The earlier speech in the Historia Anglorum of course takes a form suited to a time when Henry was not yet King. Though he does not say so in so many words, his object would seem

to be to get himself acknowledged by the "magnates Angliæ" as successor to William Rufus. He mentions the legacy and the alleged prophecy of his father on his deathbed (see vol. iv. p. 710). He appeals to his own desire to relieve them after their oppressions ("Hoc toto spiritu desidero, non propter personam meam, novit ille qui nihil ignorat, sed propter vos, diu oppressos"). He then speaks of Robert's fierce and warlike character, and says that he has just been chosen King of Jerusalem. He then goes on,

"Expedit vobis, ne unquam Angliæ fines ingrediatur, vos conculcaturus expoliaturus et variis angariis exacturus, atque de spoliis vestris Normannos ditaturus. Me vero, pacis ac tranquillitatis et legum Angliæ antiquarum piarum et justarum amatorem et zelatorem, si contingat super vos regnare, vos in caritatis vinculis et brachiis specialis dilectionis strictius ac dulcius amplexabor, et summæ pacis deliciis confovebo, possessionibus ampliabo, omnes avitas vobis libertates favorabiliter concedendo et irrefragabiliter confirmando, et vestrum consilium in omnibus exaudiendo."

Now nothing can be plainer than that, if either of these speeches could be looked upon as having been really spoken at any stage of Henry's life, it would prove the exact contrary of what Thierry uses it to prove. They are not speeches addressed to "Saxons," or to any particular class of the inhabitants of England as opposed to any other class. They are speeches addressed to the Witan, the "magnates Angliæ," without any distinction of descent; they are speeches in which all who hear are addressed as Englishmen, in which they are all supposed to be attached to the laws of Eadward and the ancient liberties of England, in which they are all supposed to be moved by an English patriotism, to be ready to defend England against foreign enemies, Norman and French, to be attached, in the one version, to the native English Ætheling, in the other to the native English King. For my own part, I do not think that the authority of Matthew Paris is enough to make us accept either speech as genuine, or indeed as expressing the feelings of the time to which either speech is assigned. The language put into Henry's mouth would imply that the fusion of Normans and English was more complete than I would venture to affirm that it was so early in Henry's reign as 1106; and it seems altogether out of place while William Rufus was still on the throne. But one thing is certain, that, if any one chooses to accept the speech at either date

as genuine or possible, it tells wholly in favour of the view which I am throughout maintaining against Thierry, not in favour of the view which Thierry quotes it to support.

NOTE Z. pp. 174, 208.

THE IMPRISONMENT OF DUKE ROBERT.

MANY of the popular Histories of England assert that Robert was blinded by order of his brother. Thierry (ii. 164), exercising a little criticism, says, "Quelques historiens, mais du siècle suivant, assurent qu'il eut les yeux crevés par l'ordre de son frère." Lappenberg does not even think the story worth mentioning. It appears in many of the Annals, as Winchester, 1133; Worcester, 1134; T. Wykes, 1106. It is found also in Matthew Paris (Chron. Maj. ii. 133, Hist. Angl. i. 213), who places the blinding early in Robert's imprisonment. He was at first well treated; but, having made an attempt to escape and being again taken, his eyes were put out by the process of *abacinatio* (see vol. iv. p. 625). Yet elsewhere (Hist. Ang. i. 248) Matthew tells a story of presents made by Henry to his captive brother which seem to imply eye-sight on the part of Robert. Capgrave (De Illustribus Henricis, 65) seems to have marked the inconsistency and to have attempted to get rid of it. The blinding is also asserted in Ann. Camb. 1134.

On the other hand, all the contemporary English writers who speak of the matter describe Robert as being as well treated as a prisoner could be. The testimony of William of Malmesbury is a little suspicious on points which touch the reputation of Henry, still his witness (iv. 389) is as distinct as witness can be. So also Orderic, 823 B, 865 D. The story of Robert's blinding seems to be simply one of the large class of exaggerations due to the mere love of horrors. A good many people were blinded in Henry's time, and it was easy to add Duke Robert to the number. It was still easier, if we believe the story of the blinding of William of Mortain, who was taken prisoner at the same time with Robert. It seems inconceivable that Henry of Huntingdon (221, and De Contemptu Mundi, Angl. Sacr. ii. 699) would, when raking up Henry's crimes, have spoken of the blinding of William if he had

ever heard of the blinding of Robert. The place of Robert's death was certainly Cardiff (see Ord. Vit. 893 D, 900 A; Cont. Flor. 1134). The notion of the Annales Cambriæ (which are for once corrected by the later and commonly less trustworthy Brut) and of the Winchester annalist that he died at Gloucester is doubtless owing to his burial there, which is specially marked in the History of the Abbey, i. 15. So Wace, 16514, who seems not to have heard of the alleged blinding either of Robert or of William of Mortain.

NOTE AA. p. 181.

The Treaties between Henry the First and Robert of Flanders.

The two treaties between Henry the First and Robert Count of Flanders are printed in Rymer, i. 6 et seqq.; but the treaties themselves are not dated, and, as Lappenberg (ii. 240) has shown, they are put in wrong order, as the one which is put first speaks of Lewis as King, and the one which is placed second speaks of Philip. The date of the earlier one, that which stands second in Rymer, is safely fixed for 1103. (Cf. Eadmer, 69.) The date of the later treaty, the first in Rymer, must come between the years 1108, when Lewis came to the throne, and 1111, the year of Robert's own death. One of Henry's witnesses to this treaty is Robert of Belesme; it therefore follows that this treaty must have been made in the time when Robert was again for a short time in King Henry's service, between the battle of Tinchebrai and his final imprisonment (see p. 183).

The provisions of these treaties illustrate the way in which in those days everything was turned into a relation of lord and vassal. The Count of Flanders enters the service of the King of the English; he binds himself to help him with such and such forces, saving only his duty to his two lords, the Emperor and the King of the French. But it is plain that the name of the Emperor is brought in simply for form's sake, to provide for all possible chances, while the case of a clashing of engagements towards the French and the English King is provided for in the minutest detail, as something which is very likely to happen. If any foreign power invades England or

Normandy, Count Robert is to come to the help of his ally, save in case of bodily sickness, loss of his lands, "vel Philippi regis Francorum expeditionis summonitionem." All Robert's obligations are undertaken "salvâ fidelitate Philippi regis Francorum." If Philip should design to invade England, Robert shall do all in his power—short of spending money, to which he does not bind himself—to persuade the King to stay at home. If he cannot succeed in this, and if the French King requires him on his allegiance to join in the invasion, he is to bring as small a force as he can, provided only that he is not to risk the forfeiture of his French fiefs. In case of Philip's invading Normandy, Robert is to follow his French lord with ten knights only, and the other Flemish knights whom he engages to supply are to remain in Henry's service.

A number of other clauses follow about Maine and other matters, and at the end comes the important provision which shows that the treaty was really a subsidy, but that the subsidy took a feudal form;

"Et propter prædictas conventiones et prædictum servitium, dabit rex Henricus comiti Rotberto unoquoque anno cccc. marcas argenti, in feodo . . . . . festo primo Sancti Michaelis . . . . . cc. in nativitate Domini. Et si prædicta pecunia in predictis terminis tota persoluta non fuerit infra XL. dies, postquam comes eum inde summonuerit, per legatum suum, rex persolvet ei, sine læsione conventionis."

There is no difference of importance in the later treaty concluded after the accession of Lewis. The reason for its renewal most likely was that it was prudent to bind the Count of Flanders afresh, lest the obligations contracted with reference to the father should be held not to apply to the son.

NOTE BB. p. 200.

ROBERT EARL OF GLOUCESTER.

THE position of the natural children of Henry the First, and specially of the eldest and most eminent, Robert Earl of Gloucester, illustrates the growth of the later ideas with regard to hereditary succession and to the importance of legitimate birth. Henry's children are always spoken of openly as his sons and daughters,

and as the brothers and sisters of his legitimate children. Their birth is spoken of as a source of honour, and as making them noble in the highest degree. See William of Malmesbury (v. 446) and Henry of Huntingdon (223 B). So in most of the accounts of the White Ship, no distinction is drawn between the Ætheling and the illegitimate brother and sister who perished with him. See the Chronicle, 1120; Henry of Huntingdon, 218 B. It is only William of Malmesbury (v. 419) who, as his own patron was not there, carefully draws the distinction between the legitimate and illegitimate children of the King. So Orderic (870 A, cf. 868 A) makes Henry speak of "filios meos Guillelmum et Ricardum quos sicut me diligo." Cf. the Chronicle, 1140; Gest. Steph. 8; Flor. Cont. 1139. Before long we find Robert, as the King's son (see above, p. 203), disputing, on the ground of his birth, precedence with the King's legitimate nephew, and he is presently dealt with as the peer of a King (see p. 301). The fact therefore that the idea of his succession to the Crown seems never to have come into his own head, nor, setting aside one very vague rumour (see p. 250), into the head of anybody else, is one of the most speaking signs of the increased importance which legitimate birth held in men's minds. Sir Francis Palgrave indeed (iv. 715, 716) looks on Robert as the offspring of one of those irregular unions which had once been tolerated under the name of the "mos Danicus," and he has some touching details, for which I cannot find the authority. But this goes on the supposition that Robert was the son of Nest the daughter of the Welsh Prince Rhys ap Tewdwr, a statement which has been copied over and over again, but for which there is no real evidence. The belief that Robert was the son of Nest seems to me to have arisen from a curious, but very natural, confusion. The argument seems to be this;

Henry had a son by Nest;
Henry had a son Robert;
Nest had a son Robert;
Therefore Henry had a son Robert by Nest.

But the only distinct assertion that Robert was Nest's son is in the later and less trustworthy Brut under the year 1110. The earlier Brut and the Annales Cambriæ are silent. The Continuator of William of Jumièges (viii. 29) speaks of him as Henry's first-born son, but says nothing about his mother. William of Malmesbury,

in dedicating his work to him (v. 446), speaks of him as uniting the blood of Normans, Flemings, and French. The Norman and Flemish elements speak for themselves; we may therefore infer that Robert's mother was a Frenchwoman. Whatever was his parentage, his birth was doubtless Norman. As he is called Robert of Caen (Orderic, 920 B), he must have been born there during some of his father's sojourns in Normandy before he came to the Crown. But of his mother there is no trustworthy record. Nest had a son by Henry, but his name was Henry like his father; she had a son Robert, but his father was her third husband Stephen. This is plain from the statement of Nest's own grandson Giraldus, It. Kamb. ii. 7 (vol. vi. p. 130). (See the strange confusion of Mr. Thorpe, in his note to Lappenberg, Norman Kings, 348.) It is plain that the notion of Nest being the mother of a son Robert by King Henry came of rolling together three distinct persons, Robert the son of Henry, Robert the son of Nest, and Henry the son of Henry and Nest.

Robert was the only one of Henry's sons whom his father promoted to any great place in his lifetime. His earldom of Gloucester and his marriage with Mabel the heiress of Robert Fitz-Hamon are recorded by William of Malmesbury (Hist. Nov. i. 3) and in the continuation of William of Jumièges (viii. 29). About his marriage the riming chronicler Robert of Gloucester (ii. 431) has a story to tell. When the King proposes to Mabel to marry his son, she says,

> "So vayr erytage, as ych abbe, yt were me gret ssame,
> Vor to abbe an louerd, bote he adde an tuo name."

Her father was called "Syre Roberd le Fyz Haim," and she can have no husband "bote he abbe an tuo name." Henry then says that his name shall be "Syre Roberd Fitz le Roy," with which Mabel professes herself to be satisfied. Whether the story is to be believed or not, it is a curious passage in the history of *to-names* or surnames. In the time of Robert the Chronicler, and most likely in the time of Robert the Earl also, the absence of a surname was a sign of inferior birth, and Robert as an illegitimate son would not in strictness have inherited any. But the story is chiefly remarkable for the way in which it is told by Thierry. He seems hardly to know who either Robert Fitz-Hamon or Robert of Gloucester was. The conqueror of Morganwg becomes (ii. 173) "un certain Robert, fils d'Aymon, riche Normand, possesseur de grands do-

maines dans la province de Glocester," while the other Robert appears as "un fils naturel nommé Robert, le seul qui lui restât." This is a somewhat hasty wiping out of the later exploits of Reginald Earl of Cornwall, of Henry the son of Nest, and of Robert the son of Eadgyth. The "to-name" becomes "two names," "*deux noms*," and the text is altered accordingly;

> "It were to me a great shame
> To have a lord without his two name."

And we get the following characteristic comment;

"Les deux noms, ou le double nom, composé du nom propre et d'un surnom, soit purement généalogique, soit indiquant la possession d'une terre ou l'exercice d'un emploi, étaient un des signes par lesquels la race normande en Angleterre se distinguait de l'autre race. En ne portant que son nom propre, dans les siècles qui suivirent la conquête, on risquait de passer pour Saxon; et la vanité prévoyante de l'héritière de Robert, fils d'Aymon, s'alarma d'avance de l'idée que son époux futur pourrait être confondu avec la masse des indigènes."

The confusion is the more amusing because the *to-name* and the "two names" practically come to much the same thing; but the talk about "Saxons" is not to be found in Robert the Chronicler, and we have no right to put it into the mouth of the wife of Robert the Earl.

Robert, like other Earls, was, by those who affected the high polite style of writing, called "consul" rather than "comes." This has led some people to fancy that he was, or was called, Consul in some special way. We see this in the later Brut, 1115, where he appears as "Rhobert consyl."

NOTE CC. p. 209.

The Flemish Settlements in South Wales.

The settlements of Flemings under Henry the First may fairly be called the last of the Teutonic settlements in Britain. In the sixteenth century the east of England received a good many refugees from the same quarter; but the settlement in Pembrokeshire is the last case of the occupation of a considerable district by new inhabitants, bringing with them their own language, and even (see

vol. i. p. 51) changing the local nomenclature. The settlement in Pembrokeshire is distinctly recorded by Florence (1111) and William of Malmesbury (iv. 311, v. 401), who both mention "Ros" as their place of settlement. So Orderic (900 A), who confusedly places the Flemish settlement at the very end of Henry's reign. The Welsh writers tell the same story. In the Annales Cambriæ (1106) the entry is simply, "Flandrenses ad Ros venerunt." In the two Bruts (1105, 1106) there is a legendary story about the Flemings being driven to leave their own country by an inundation of the sea. And the later Brut adds the daring statement that "they remained some years and then disappeared."

The Pembrokeshire settlement therefore rests on the most distinct contemporary evidence; but the word "Ros" must then have borne a wider sense than the modern hundred of that name, as the Flemish district takes in the whole southern part of the county. The smaller settlements in Gower and at Llantwit Major do not, as far as I know, rest on such distinct historical evidence; but their Flemish character seems a fair inference from their presenting exactly the same phænomena of language and, to a great extent, of nomenclature as the undoubted settlement in Pembrokeshire.

The language of these Flemish settlements is of course English. I do not profess to know whether it has any special peculiarities of dialect. Many people seem to have thought it strange that the inhabitants of these districts, though Flemings, should speak English. The difficulty is as old as the writer of the later Brut, who, under the year 1113, says that Henry "placed English [Sæson] among them to teach them the English language [iaith y Sæson], and they are now English [Sæson]." So R. Higden (i. 59, vol. ii. p. 158); "Flandrenses, qui occidua Walliæ incolunt, dimissa jam barbaria, Saxonice satis proloquuntur." But there is no difficulty, and no change of language. The Flemings speak English, not although they are Flemings, but because they are Flemings. Near as is the likeness between Flemish and English even now, it was of course much nearer then, and the English Bible and the growth of standard English have had the same effect in Pembrokeshire as elsewhere. The use of English in the Scandinavian part of Scotland and in Orkney and Shetland is a parallel instance in the case of a Teutonic tongue less nearly akin to our own than the Flemish.

NOTE DD. pp. 245, 247, 251.

The Claim of Stephen to the Crown.

There seems to be no difference of statement worth discussing as to the fact of Stephen's election. It was, like the election of Eadmund Ironside (see vol. i. p. 418), like the first election of Eadward himself (see vol. ii. p. 5), an election by the citizens of London and by such of the chief men of the land as could be got together at a short notice. Such an assembly was not unlike the irregular body by which William of Orange (see Macaulay, ii. 584–590) was first called on to undertake the provisional administration of the government. The objection made to Stephen at the time was grounded wholly on the oath by which he and all the other chief men were bound to the succession of Matilda. The notion of a breach of hereditary right begins later. The case in short is an exact parallel to the case of Harold.

The share of the Londoners—some add the citizens of Winchester—in the election of Stephen is brought out by the Chronicler, by William of Malmesbury, Hist. Nov. i. 11; John of Hexham, 258. The author of the Gesta Stephani (3) is strong on behalf of the right of the Londoners; "Majores natu consultuque quique provectiores" [a paraphrastic translation of 'þa yldestan witan'], who affirmed "id sui esse juris suique specialiter privilegii ut, si rex ipsorum quoquo modo obiret, alius suo provisu in regno substituendus e vestigio succederet."

The arguments by which the obligation of the oath to Matilda was got over are set forth by the author of the Gesta Stephani (7) in describing the scruples which Archbishop William professed as to the coronation. The oath was an unwilling one, and therefore of no force; there is also the much less likely tale that Henry changed his mind on his death-bed, which is here put into the mouths of Stephen's partisans generally. Gervase (X Scriptt. 1340) attributes it to "quidam ex potentissimis Angliæ." And that this was Hugh the Bigod we learn from the speech put by Henry of Huntingdon (223 *b*, 224) into the mouth of Earl Robert before the battle of Lincoln. The story comes out more fully in Ralph de Diceto (X Scriptt. 505). He is copied by a great

number of writers, amongst others by Matthew Paris (Hist. Ang. i. 251), who brings in a strong protest against a female reign, which we do not find elsewhere. In most of the later writers the false assertion of Hugh is insisted on rather than the alleged compulsory nature of the oath. That is to say, the notion of the Crown being a property rather than an office went on gaining ground. On the earlier view, it was of more importance whether the Witan had acted willingly or unwillingly in their oath to the succession of Matilda, that is in an election before the vacancy. On the later view, it was of more importance whether Henry had or had not revoked his earlier purpose.

At a later time, in the argument before Pope Innocent (Historia Pontificalis, 41; Pertz, xx. 543), when Stephen is trying to get the Pontiff's consent to the coronation of his son Eustace (see p. 325), both these arguments are used, and another is added. The advocates of Stephen fall back on the objections which had been made long before to the marriage of the Empress's mother (see p. 169);

"Hic adversus episcopum allegavit publice, quod imperatrix patris erat indigna successione, eo quod de incestis nuptiis procreata et filia fuerit monialis, quam rex Henricus de monasterio Romesciensi extraxerat eique velum abstulerat."

In answer to this, the representative of the Empress, Ulger Bishop of Angers, leaves out the more popular argument about the extorted oath, and dwells on the points which were more convenient for an asserter either of papal or of royal power. He first deals with the question of the validity of the marriage between Henry and Eadgyth-Matilda. But the argument is drawn chiefly from the confirmation of the marriage by the Roman Church, implied in the fact that Pope Paschal had given the imperial consecration to a daughter born of it;

"Et qui velut proditor defunctum dominum condemnas incesti, adversus matrem tuam sanctam Romanam ecclesiam calcaneum contumaciter erigis. Ipsa enim confirmavit matrimonium quod accusas, filiamque ex eo susceptam dominus Pascalis Romanus pontifex inunxit in imperatricem. Quod utique non fecisset de filia monialis."

He goes on to cast aside the alleged testimony to Henry's change of purpose on his death-bed, by saying that neither Hugh nor the Archdeacon himself were present, and that those who were

present told a different story; the acceptance of Stephen's claim by Archbishop William could prove nothing, because the Empress was not heard, and those who bore witness in favour of Stephen were not the Empress's judges, but her subjects, and bound to her by oath. This incidental reference is all the allusion which the speech of Ulger makes to the question of the oath and the alleged unwillingness with which it was taken. The validity of the marriage also is made to depend wholly on the papal acknowledgement of it, not on the common-sense judgement of Anselm. The special argument employed must draw all its force from the sacrilege implied in the marriage of a nun, for it could hardly be argued that, if the Emperor chanced to marry a wife of ordinary illegitimate birth, she was to be refused the rank of Empress.

The account on which most of the accounts of Stephen's accession are founded is that of Henry of Huntingdon in the beginning of his eighth book, who tells how Stephen, "fretus vigore et impudentia," broke his oath and seized the crown. He is followed by Roger of Howden (i. 188), who puts in a word or two more distinctly to assert the rights of his own patron. The set word to express Stephen's accession is the same which we have so often seen used with regard to Harold, namely "invasit," and the perjury of Stephen and his supporters is the point which at this stage is everywhere insisted on. It is in William of Newburgh (i. 4) that we find the beginning of the notion which prevails in modern writers, the talk about usurpation and the like. The most important passage in his account is that in which, besides the charge of perjury, he brings in the charge which we have not heard elsewhere, of departing from the lawful order of succession. Stephen's act was "contra jus humanum pariter et divinum, humanum scilicet, quia legitimus hæres non erat."

The fiercest enemy of Stephen is Henry's panegyrist, the biographer of the Cenomannian Bishops, who (Vet. An. 347, 348) enlarges on the merits of Geoffrey and Matilda, and tells us how the Count, "jam felix et ovans venerabili filiorum progenie, sceptro regni transmaritimo et Normaniæ ducatui non injuste aspiravit. Cujus formidantes probitatem et primicerium, Anglicorum primores et episcopi comitem Stephanum, præfati regis nepotem, in regnum et coronam susceperunt." So Henry of Huntingdon, when recording

the death of Geoffrey (226 *b*), speaks of the "jus hæreditarium quod in Angliæ regno, licet carens, obtinebat ei concessit."

This notion of a crown matrimonial in Geoffrey connects itself with the doctrine, which was heard of again in Edward the Third's time, that a woman could not herself inherit, but that she might hand on her claim to her son. In conformity with this last doctrine, the hereditary right of Henry the son of Matilda is more strongly set forth than that of Matilda herself. See Gervase, 1366, and the more remarkable words of the Gesta Stephani, 127. So when William of Newburgh (ii. 1) says that Henry on Stephen's death "hæreditarium regnum suscepit," the word "hæreditarius" might mean only the right derived from the agreement with Stephen. But in this writer it is most likely to be taken in the stricter sense. The same notion goes on in the royalist Thomas Wykes (1127, 1135, 1136, 1138), but he fancies that Matilda had no children at the time of Stephen's election. For that reason the nobles and prelates chose Stephen. He then goes on to tell of an unsuccessful invasion of Anjou by Stephen, of which it would be hard to find any notice elsewhere. Then comes the birth of Henry, "cui, sicut prætactum est, regnum Angliæ jure hereditario competebat." Presently Matilda comes into England, "ut jus quod filio suo super regno Angliæ competebat proavorum successione, et avunculi sui assignatione, radice rectissima vindicaret." It is not hard to see the origin of this confused story. The birth of Henry is confounded with the birth of his younger brother William in August 1136.

Robert of Gloucester (ii. 443) puts the doctrine, which by his time had become orthodox, into the mouth of Henry the First himself;

"Alas! alas! of Engelond ne con ych none rede.
Vor ȝyf ych ym bytake my soster sone Steuene de Bleys,
Vor he nys noȝt ryȝt eyr, he ne worþ neuere peys.
And ȝyf ych ym bytake þe ryȝt eyr Henry my doȝter sone,
þat nys noȝt ȝut þre ȝer old, yt worþ hym sone by nom."

It is not wonderful that the doctrine of hereditary right, which at this time was growing everywhere, should specially grow in England during the nineteen years of Stephen. It was easy to give out that the evils of the time were a punishment for the departure from a right line of succession, and Henry himself was not liable to the objection which made a female reign so strange in the person of his

mother. In this way there can be little doubt that the reign of Stephen, whose accession was so strong an assertion of the right of election, really did a great deal in its results for the growth of the hereditary principle.

NOTE EE. p. 271.

The alleged Danish Invasion in Stephen's Time.

In the Continuatio Gemblacensis to Sigebert (Pertz, vi. 386) is a story which asserts a Danish invasion of England in the year 1138. The tale seems to be accepted by Lappenberg (ii. 323); but it is thrown into a note by his English translator (386). The story runs thus, under the year 1138;

"Rex Danorum, audita morte regis Anglorum, cum multo navium apparatu, cum militari et pedestri exercitu, fines Angliæ devastabat omni crudelitatis genere; dicens antecessorum hereditario jure et collimitanei maris vicinitate sibi magis deberi regnum Angliæ, quam Stephano regi et Normannis ex Wilhelmi bastardi pervasione. Rex Anglorum reputans periculosum primo impetu cum tam efferato hoste non ex equo confligere habita dilatione et inspecta opportunitate, dispersos longe lateque et inhiantes prædæ facili superavit congressione, multisque eorum interfectis aut captis, reliquos compulit cum dedecore ad propria redire."

There is certainly something very suspicious when a foreigner tells a story which concerns the history of two nations neither of which has preserved any trace of it in its annals. If the reigning King of Denmark—Eric surnamed the Lamb, who reigned from 1137 to 1147—had really invaded England, and had been overcome by the skilful tactics of Stephen, some mention of so remarkable a campaign must surely have been found in some Danish or English writer. And it may be well to see what kind of writer it is with whom we have to deal. The author of this continuation clearly took an interest in English affairs, but he seems to have been strangely ill-informed about them. He has several notices of Stephen's reign, but they all go on the supposition that Henry the First died childless, and that the civil wars of Stephen's reign were mere ordinary disturbances raised by unruly barons. There is not a word about the opposing claims of Matilda. His first notice records Stephen's election in this shape;

"Angli, diu habita deliberatione quem sublimarent regis homine et honore, *sine liberis defuncto Heinrico rege*, Stephanum *consobrinum* ejus constituerunt pro eo regnare."

The next entry is that about the Danish invasion. Under 1139 he says,

"Gentis Anglorum principes, a rege suo dissentientes, dum alter alteri varie assentitur, gens tota per eos affligitur, eo deterius quo cives ut hostes non exterius sed interius patitur."

The captivity and release of Stephen are both recorded, but in a way which shows no kind of knowledge of the circumstances under which either event happened;

"1141. Rex Anglorum Stephanus, non satis cavens dubios animos principum ficta sibi amicitia adhærentium, dum quosdam hostes expugnare nititur, a suis derelictus et ab hostibus interceptus capitur et custodiæ mancipatur.

1142. Rex Anglorum, quibusdam pacis conditionibus solutus a captione qua tenebatur, iterum Anglicæ genti principatur."

In the next year we find an entry of a very general kind;

"1143. Rex Anglorum, necdum pacato regno suo, contumaces subjugare volebat, sed non valebat, quia tutam fidem nusquam reperiebat, et conatus suos non prosperari sed frustrari dolebat."

Lastly, the conquest of Normandy, if we are so to call it, by Geoffrey of Anjou is recorded in this way;

"1145. Northmanni qui subditi fuerant Heinrico regi Anglorum, parvi pendentes successorem ejus Stephanum, subdunt se regimini comitis Andegavensium."

It would seem as if, perhaps by dwelling wholly on Tinchebrai and forgetting Senlac, the writer had looked on Normandy simply as a province subject to England. Now surely a writer who knew so little about a matter in which he clearly took a kind of interest, and who could make so many entries about Stephen without one word about the Empress or the Earl of Gloucester, would be quite capable of making the mistake which alone makes the entry intelligible, that of mistaking the King of Scots for the King of Denmark. To confound Denmark and Scotland is really not much wilder than the story which turns William's Normans into Aquitanians (see vol. iii. p. 729, Ed. 2), or than the wild fable about the death of Cnut (see vol. i. pp. 504, 522, 523). The story is put in the year of the Battle of the Standard, and the hereditary claim

put into the mouth of the Danish King would have at least as much force in the mouth of the son of Margaret. The other argument, where he claims "collimitanei maris vicinitate," is not very easy to understand, or indeed to construe in any case, if it means, as Lappenberg takes it, "dass die gemeinschaftliche Bespülung seinen und der englischer Küsten durch die Nordsee ihn ein Näherrecht an England verleihe." That argument might have been pressed with just as much force on the Norman side; but, if the words can be anyhow so twisted as to mean that the sea did not come between his own kingdom and the kingdom which he sought for, that argument would apply to Scotland, and, among recognized kingdoms, to Scotland only. When the Scots had once been turned into Danes, the details of the story would of course shape themselves to the requirements of a Danish invasion. The invading King would be made to come by sea.

Scots and Danes are again confounded by the Winchester Annalist, 1093; "Hoc anno occisus est Malcolmus rex Danorum."

NOTE FF. p. 328.

The Treaty between Stephen and Henry.

The agreement made between Stephen and Henry in November, 1153, is preserved to us both in the informal notices of the contemporary writers and in the shape of a formal charter of Stephen, printed in Rymer, i. 18. But the agreement for the destruction of the unlawful castles on which the historians insist does not appear in the text of the charter. But it seems clear from a comparison of Robert de Monte (1153), of Henry of Huntingdon (228), when he speaks of the conference at Dunstable, and, most distinctly of all, of John of Hexham (282), that, besides the extant charter, there was another document, containing the agreement for the destruction of the castles and the other temporary measures which were needed for the peace of the kingdom.

The main provisions of the charter embrace the points which are spoken of in the vaguer words of the contemporary writers. See, besides those already referred to, the Chronicle, in anno; William of Newburgh, i. 30; Gervase, 1375. They set forth the adoption of Henry by Stephen as his son and successor, the retention

of the crown by Stephen for life, and some add the engagement of Stephen to take Henry as his chief counsellor. This last grows in Roger of Howden (i. 212) into an actual appointment of Henry to the office of Justiciar. The charter does not in so many words contain an adoption of Henry as Stephen's son, but it is much the same thing when Stephen says, "Henricum ducem Normanniæ post me successorem Angliæ regni et hæredem meum jure hæreditario constitui, et sic ei et hæredibus suis regnum Angliæ donavi et confirmavi." Presently he uses the more distinct words, "Sicut filium et hæredem meum in omnibus in quibus potero cum manu tenebo." Then comes the homage done by Henry to Stephen (which is described as being done "propter hunc honorem et donationem et confirmationem sibi a me factam"), the homage of Stephen's son William to Henry, the homage to Stephen of those Earls and Barons on the Duke's side who had never been the King's men "pro honore quem domino suo feci," and that done by the Earls, Barons, and citizens on the King's side to the Duke, "salva mea fidelitate, quamdiu vixero *et regnum tenuero*." The other provisions of the charter are temporary and personal, including the guardianship of certain castles. The different names by which the fortresses are spoken of are worth noting. London of course is "turris;" Oxford and Windsor are "motæ;" Winchester is "castrum," Lincoln "firmitas," Southampton "munitiones."

The order of time and place in this series of transactions comes out best in the narrative, rhetorical as it is, in Henry of Huntingdon. See also the Chronicle, Robert de Monte in anno, and Gervase, 1375. The chief difficulty, not of much importance for my subject, is that in the charter the various acts of homage are recorded to have been already done, while Henry of Huntingdon places them a few weeks later.

NOTE GG. p. 360.

English Trade with Germany.

Of trade with Germany in earlier times I have spoken in vol. i. pp. 68, 309, vol. iv. p. 41. The continuation of the same trade after the Conquest is treated of by Lappenberg in his Urkundliche

Geschichte des Hansischen Stahlhofes zu London, 5 et seqq. His collection of documents contains a number of writs of Henry the Second, Richard the First, and John, some granted to the German merchants in general, some to those of particular cities, especially Köln, some to particular persons by name. The earliest writ, in 1157, distinctly mentions the house ("domus sua") which the men of Köln had in London. The King commands that they should be treated "sicut homines mei et amici." By the next, in 1157, the men of Köln are allowed to sell their wine "ad forum quo venditur vinum Francigenum." By one of Richard in 1194 "nostri cives de Colonia" are released from a payment of two shillings to the Guildhall in London. The writs of John are more numerous than those of his father and brother, and in many of them the privileges are said to be granted out of regard to his nephew the Emperor Otto. See also Sartorius, Urkundliche Geschichte des Ursprunges der deutschen Hanse, edited by Lappenberg, i. 41; Pauli, Bilder aus Alt-England, 168.

NOTE HH. p. 371.

Military Tenures.

I must here keep clear of the wide subject of the general origin of feudal tenures, and of the exact amount of advance towards them which had been made in England before the Norman Conquest. Much light has, both in England and in Germany, been thrown on these matters since this History was begun, and I look forward to another opportunity of dealing with some points as far as they bear on the early history of England. The general origin of the feudal relation can hardly be better set forth than it was by Sir Francis Palgrave (English Commonwealth, i. 505); "The relation of vassalage, originally personal, became annexed to the tenure of land." The chief points to be borne in mind are, that there was no one moment when a "Feudal System" was introduced into England; that the feudal tenures of land were developed gradually; that in England they were merely a system of land tenure, and had not the political results which they had in other countries; lastly, that they had nothing to do with any formal distinction between men of Norman and men of English birth. The King, as King, could summon the *fyrd* of the

nation; as lord, he could summon his military tenants. Norman blood would prevail in the latter class, English blood in the former. But it is delusive to say with Gneist (Englische Verwaltungsrecht, i. 112), "Es war klar, dass das Normannenthum sich nur als geschlossene Heeresmacht behaupten."

The absence of any distinct mention of military tenures in Domesday is strongly and clearly brought out by Sir Francis Palgrave (Normandy and England, iii. 609 et seq.). The Survey nowhere employs the feudal language which became familiar in the twelfth century. Compare for instance the records in the first volume of Hearne's Liber Niger Scaccarii. In this last we find something about knights' fees in every page. In Domesday there is not a word. The word "miles" is sometimes found. Thus we have heard of a "miles" of Ralph of Taillebois above, p. 772. We hear (173) of a "miles" of Saint Wulfstan, in whose case the Bishop seems to exercise something like the feudal right of marriage; "Hanc terram tenuit Sirof de episcopo T. R. E., quo mortuo dedit episcopus filiam ejus cum hac terra cuidam suo militi qui et matrem pasceret et episcopo inde serviret." Compare also the English nephew of Bishop Hermann in 66, who was "miles jussu regis." In most of the cases where "milites" are spoken of there is some reference to ecclesiastical bodies, as in the entry about the Archbishop's knights in p. 372, and others of the same kind in 165 *b*, 166 about the "milites" of the abbeys of Winchcombe and Evesham. On the lands of the Archbishop of York at Southwell, in 283, "Anglici," "milites," and "clerici" seem marked off as three distinct classes. And, as we have seen the growing right of marriage, so we see the growing right of wardship in the story of Harold son of Ralph (see vol. ii. p. 633). And we find another very curious case in Domesday, 50 *b*. A king's thegn named Ælfric held lands in Hampshire which his father had held of King Eadward; "sed hic regem non requisivit post mortem Godric sui avunculi qui eam custodiebat." These instances show the way in which all these things were creeping in, but were not yet systematized. As Sir Francis Palgrave says, Domesday contains no record of any new duties or services of any kind. On the other hand, when we come to the reign of Henry the Second, we get the record in the Liber Niger and an elaborate system of feudal jurisprudence in the work of Randolf of Glanville. It is too much to speak, as Sir

Francis Palgrave does, of a "revolution" brought about under Henry the Second; but his reign surely marks the time when ideas and practices which had been gradually growing up, both before the Conquest and after, were finally put into a systematic shape. Randolf Flambard made, lawyer-like, a series of logical inferences and set them practically working. The later Randolf codified them.

The growth of the system of knights' fees out of the older system of hides is traced by Stubbs, Const. Hist. i. 261 et seqq. The old service of a man from each five hides of land would go on; only it would take a new name and a new spirit. The division of the land into knights' fees, and the fixing of the knight's fee to a particular amount of land, were both gradual processes, which probably took a definite shape (see Const. Hist. i. 383) under Henry the First. The reign of Henry the Second, which codified the feudal tenures as a system of tenure of land, also destroyed their real military importance by the institution of scutage. The obscurity which covers all these subjects comes from the gradual and incidental way in which everything was done. Customs grew up without any law or proclamation establishing them at any particular moment. We have therefore no records except incidental notices. We see that a practice had not been introduced *at a certain time*, and that it had been introduced at a certain *later time; and that* is all. It is only in this way that we can *fix the great time* of innovation to the administration of *Randolf* Flambard. Certain things are taken for granted in the charter of Henry the First of which there is no mention in Domesday. Thus in the charter of Henry the First, 11 (Select Charters, 98), the "milites qui per loricas terras suas defendunt" (see above, p. 371, and vol. iv. p. 341) are taken for granted as one class of "milites," though seemingly not co-extensive with the whole order. Henry goes on to relieve them from other payments and services on their demesne lands ("terras dominicarum carrucarum suarum quietas ab omnibus gildis, et omni opere, proprio dono meo concedo"). This sounds as if, under Flambard, lands had been unfairly made subject to two kinds of services. Henry releases them from the older ones. This fixes the time when the newer ones came in, or rather the time when they were fixed as universal customs. But there are not, and there is no reason to suppose that there ever were, any laws of William Rufus establishing them in a formal way.

NOTE II. pp. 373, 379.

RELIEFS.

THE difference between the heriot and the relief, as stated in the text, is a good instance of the way in which an English institution was modified in the hands of Norman lawyers. The essence of the thing is the same; in both cases the new possessor of the estate has to pay a succession duty of some kind or other. And it is only in accordance with the general run of things that the older custom, in the case of many customary tenures, has gone on alongside of the newer custom, and has actually survived it. Nor is it at all wonderful that the original payment in kind, the true *heregeatu* of horses and arms, should, for convenience' sake, be commuted for a payment in money. But the principle of the thing is changed in the way which I have said in the text, and in this case the new name is no translation of the old one. The heriot is simply a payment of arms or other warlike necessaries. The word *relevium* brings in quite a new idea, that of "taking up" a fief which has lapsed, even if the lapse does not go beyond a legal fiction. Sir Francis Palgrave has a picturesque "imaginary conversation," laid in the days of Cnut (English Commonwealth, i. 580), in which the notion of relief seems to be carried too far back, though by carrying it back further still it would probably become true. (See Kemble, Saxons in England, i. 178, ii. 98.) The law of the heriot appears in the Laws of Cnut (ii. 70 et seqq., Schmid 308), where the words "butan his rihtan here-geate" appear in the Latin version as "nisi quantum ad justam relevationem pertinet, quæ Anglice vocatur *heregat*." Sir Henry Ellis, i. 271, has collected the instances of the relief by that name in Domesday, 30 *b*, 56 *b*, 280 *b*, 298 *b*. But at Cambridge, 189, we twice find the heriot itself. In one case, "de harieta lagemannorum habuit isdem Picot viii. libras et unum palefridum et unius militis arma." In the alleged Laws of William (i. 20, Schmid 334) the right appears, with hardly any change, as "relevium." So in the Laws of Henry (x. 1, Schmid 442), among the King's rights are "relevationes baronum suorum," and Cnut's Law is again repealed (xiv.) with the word "relevatio." In the genuine charter of Henry (Schmid, 432–434; Select Charters, 97) he makes the

promise which I have referred to in p. 373; "Si quis baronum, comitum meorum, sive aliorum qui de me tenent, mortuus fuerit, hæres suus non redimet terram suam sicut faciebat tempore fratris mei, sed justa et legitima relevatione relevabit eam. Similiter et homines baronum meorum justa et legitima relevatione relevabunt terras suas de dominis suis." The law of relief in its later form is a chief subject of the ninth book of Glanville, and it comes in for notice in the Dialogus de Scaccario (Select Charters, 218, 235). See also Phillips, Englische Reichs und Rechtsgeschichte, ii. 208; Gneist, Englische Verwaltungsrecht, i. 113; and, above all, Stubbs, Const. Hist. i. 24, 157 and the passages there referred to, 261, 383.

NOTE KK. pp. 399, 401, 402.

The Alleged Laws of William and Henry the First.

Of the real legislation of William I spoke in vol. iv. pp. 324, 392, 624. His genuine ordinances are given in Stubbs, Select Charters, 80, from the Textus Roffensis. They are given also, with very little difference, by Roger of Howden (ii. 215, 216) under the year 1180, when he records the appointment of Randolf of Glanville as Justiciar, and adds, "cujus sapientia conditæ sunt leges subscriptæ quas Anglicanas vocamus." This small code is headed with the words, "Hic intimatur quid Willelmus rex Anglorum cum principibus suis constituit post conquisitionem Angliæ." A fuller, but clearly interpolated, form of the same document is printed in Selden's Eadmer, 189; Wilkins, 217; Thorpe, Laws and Institutes, 490. The character of the two versions, with the date and object of the interpolations, is fully discussed by Stubbs, Preface to Roger, ii. xxiii. One point is that the simple form "inter Anglos et Normannos" swells into "inter Anglos et Normannos, Francos et Britones Walliæ et Cornubiæ, Pictos et Scotos Albaniæ, similiter inter Francos et insulanos, provincias et patrias quæ pertinent ad coronam et dignitatem, defensionem et observationem et honorem regni nostri et inter omnes nobis subjectos per universam monarchiam regni Britanniæ." The simpler form exactly expresses what was wanted in William's day; the other, though it has the ring of some of the elder charters of Æthelred and Eadward, is mere talk as far

as William was concerned, and one can hardly doubt that, as Professor Stubbs suggests, it comes from the time of Edward the First, and is suggested by the controversies of his reign. In the same spirit, the simple form "extra Angliam" becomes in the second clause "extra universum regnum Angliæ quod olim vocabatur regnum Britanniæ." Several clauses are inserted, most of which have something or other about them which shows their later date. The most important is that which stands as clause 5 in the interpolated version, headed "De Clientelari seu Feudorum Jure et Ingenuorum Immunitate," in which, among many expressions belonging to a later day than William's, he is made to promise that all freemen shall hold their lands and goods "libere ab omni exactione injusta et *ab omni tallagio*." It is plain enough when, and with what object, this interpolation was made.

These are only a few of Professor Stubbs' arguments in favour of the genuineness of the shorter and against the genuineness of the longer form. These genuine ordinances are followed in Roger of Howden (ii. 218) by the story of William summoning twelve men of each shire to declare the laws. Then follow a series of laws which are introduced as those which these jurors declared. But they were clearly put in their present shape at a much later time; that is, they are probably, as Professor Stubbs suggests, drawn up by the Justiciar Randolf himself, but with additions which are later still. (See also Phillips, i. 322; Schmid, lvi; Liebermann, Einleitung in den Dialogus de Scaccario, p. 72, who disputes Randolf's authorship.) In the eleventh article, on Danegeld, there is a reference to the times of William Rufus and his brother Robert. The seventeenth contains a definition of the duty of a King, with a reference to Pippin and Charles, who, in one manuscript, are strangely made to be contemporaries and correspondents of William the Conqueror ("Hic incipit quædam sententia Willelmi Bastard regis Angliæ quam de regis nomine Pipino et Karolo ejus filio sciscitantibus, scripsit"). The laws are interrupted by the story of William's preference for the laws of the *Denalagu* and his final confirmation of the Laws of Eadward (see vol. iv. p. 324). Then comes an explanation that the laws of Eadward were not laws of his own making, but the laws of his grandfather Eadgar, which had fallen out of use during the troubles of the time of Æthelred and the following Danish reigns. Then follows a history

of Eadgar Ætheling and his sisters, telling how Eadward first adopted Eadgar as his heir, and afterwards, when he saw that Eadgar had nō chance against the sons of Godwine, altered his will in favour of William. Here we see the later notion of the rights of Eadgar coming in (see vol. iii. p. 604). Then come some more laws, and lastly a pedigree of the Norman Dukes and English Kings from Rolf to John. These then are the alleged Laws of Eadward, seemingly in their earliest form. That they are, as they stand, a genuine document of the age of Eadward or William cannot be believed for a moment; but they are evidently founded on remembrances of the Old-English law, and they doubtless show us what Roger of Howden and the Justiciar Randolf believed that Old-English law to have been.

This collection again, like the more genuine ordinances of William, has undergone some strange interpolations. Thus the Harleian copy, which Schmid (491) has printed in parallel columns with the version of Roger of Howden, besides smaller differences, has large additions of a manifestly later date. They contain a great deal about Arthur, much strange ethnology, a legendary account of Ine, an account of London as a Trojan colony, and much more which was altogether unknown in the days of William, and must have been very new even in the days of Henry. There are also the Laws of the Confessor, with a French version, one form of which comes from the false Ingulf. These are printed in Selden's Eadmer, 173; Wilkins, 219; Palgrave, English Commonwealth, ii. lxxxix; Thorpe, Laws and Institutes, 466; Schmid, 323. The use of the French language is of course fatal to all belief in their genuineness, and Professor Stubbs (Preface to Roger, ii. xliv) has traced out the history of some of the corruptions and interpolations. Perhaps the most remarkable is that one version, the Lichfield MS. (see Wilkins, 216; Thorpe, xii), makes Ealdred Archbishop of York and Hugh of Orival Bishop of London (see vol. iv. p. 375) at the same time. The more hopeless blunders of those who strove to correct this blunder are traced out by Professor Stubbs.

It may be noticed that a somewhat difficult passage of Roger of Howden (ii. 234) seems to be the beginning of the use of the word "Saxon" as a note of time. This fashion, like the later interpolations, shows the influence of the Arthur stories. We read that the Danish law was in force in Norfolk, Suffolk, and Cambridge-

shire with certain differences; "Et hoc ex affinitate Saxonum temporis, major emendatio forisfacturæ Saxonum quater viginti libræ et quatuor." "Saxon" is not yet opposed to "Norman;" but it is already beginning to be distinguished from Dane or Northman. The language of Bishop Richard in the "Dialogus de Scaccario" is different. He has often (see Select Charters, 193) to distinguish "Anglici" and "Normanni," even while asserting (see vol. iv. p. 327) that the distinction was in his day forgotten. And he has sometimes to use the word "Anglicus" chronologically, in the way in which people now talk about "Saxon times." Thus we have "reges Anglici," "tempora Anglicorum" (Select Charters, 168), and the like. But the word which he always opposes to "Anglicus" is always "Normannus," not "Francus" or "Francigena." That is to say, he is speaking historically, as we do now, of a past state of things which the word "Normannus" best expressed. "Francus," the phrase of Domesday, though still kept by routine in certain formulæ, would in his day have given a wrong meaning.

Lastly, among the genuine legislation of William we have (Wilkins, 230; Thorpe, 489; Schmid, 353) three ordinances in Latin and English, bearing on the ordeal and wager of battle, which are headed in the English "Willelmes cyninges asetnysse." I shall say more of these in the next Note.

It may be well, with these genuine and imaginary laws of William before us, to look to the account of his legislation as given in the "Dialogus de Scaccario" (Select Charters, 199). When William had conquered the island—does any special thought of Abernethy and Saint David's lurk in the words "ulteriores insulæ fines suo subjugasset *imperio*?"—"decrevit subjectum sibi populum juri scripto legibusque subjicere." Then,

"Propositis legibus Anglicanis secundum tripartitam earum distinctionem, hoc est Merchenelage, Denelage, Westsaxenelage, quasdam reprobavit, quasdam autem approbans, illis transmarinas Neustriæ leges, quæ ad regni pacem tuendam efficacissimæ videbantur, adjecit."

Here is no mention of William's supposed preference for the laws of the Denalagu over those of the rest of England. The writer perhaps fancied that William made greater changes than he really did; but his account does not badly describe the great source of our law, the Laws of King Eadward with the amendments of King William.

Alongside of the so-called Laws of Eadward and William we have the so-called Laws of Henry (Wilkins, 233; Thorpe, 497; Schmid, 432). They are discussed by Allen, in Thorpe, 609; Phillips, i. 202; Schmid, lxix; Stubbs, Select Charters, 100. The so-called Laws follow the charter of Henry (see above, p. 168) and his charter to the City of London (Select Charters, 103); and the whole is introduced with a heading containing a splendid panegyric of the "gloriosus Cæsar Henricus" (see vol. i. pp. 552, 556, Ed. 2), whose rule is fittingly expressed by the verb "imperare." There is a thanksgiving for the "beata pacis ac libertatis exoptatæ gaudia" which he had given to his kingdom, and a prayer for the welfare of himself, Queen Matilda, and their children. This of course cannot be later than the death of Matilda in 1118. But a number of things show that the compilation itself must be of a much later date, and not, as Allen thought (Thorpe, 612), the work of Randolf Flambard. It gives the English bishopricks a number which they did not reach till the foundation of the see of Carlisle in 1133 (see above, p. 230), and it has references to canon law which cannot be of an earlier date than 1151. But, as Professor Stubbs remarks, as it contains no references to the legislation of Henry the Second, it cannot be later than the early years of his reign.

There can be no doubt that the work is simply a compilation such as I have spoken of in the text, which has somehow got added to copies of two genuine documents of Henry. The collection is thrown into the form of laws; but there is no name of any enacting King, and the compiler sometimes speaks in his own person. Thus in viii. 6 he refers to "Edwardi beatissimi principis tempora," which may show that the date is later than Eadward's canonization in 1151. The collection is chiefly made up of extracts from the Old-English laws, which are traced to their originals by Allen and Phillips. Along with these are a great many entries bearing on the relations between French and English, according to the genuine ordinances of William (xlviii. 2, lxiv. 3, lxix. 1, lxxv. 6, 7, lxxxii. 1, xci. 1, xcii. 2, 6, 9, 10, 11). These are curiously mixed up with laws about Englishmen and Danes, and (lxx. 5) with the old West-Saxon law in which Welsh and English are distinguished. We see signs of the later date of the composition in the provision about the trial of cardinals (v. 11), in the mention of "castellatio sine

licentia" (xiii. 1) among the crimes that put a man at the King's mercy, and in such phrases as (xxv. xxix. 1) "Si exsurgat placitum inter homines alicujus baronum socnam habentium," "regis judices sunt barones comitatus, qui liberas in eis terras habent." The compiler refers to the Civil Law (xxxiii. 4), to the Salic Law (lxxxvii. 10); and (xvii) he makes a complaint against the Forest laws, "quoque forestarum multiplici satis est incommoditate vallatum." And once (vi. 2) he breaks forth into a longer moan about the difficulties of the administration of justice in general. In short, the book is simply a law-book thrown into the form of a code, and tacked on to the two genuine charters. At the author and his motives we have to guess; but it would seem most likely that it is of a piece with those panegyrics of Henry the Second which dwell pointedly on his English descent. It reads as if, when Henry was restoring order after the anarchy and renewing the laws of his grandfather, some one who remembered and loved the older laws thought of putting them into shape as modified by the legislation of the Conqueror and his son. It is impossible to tell whether this code was at all in the minds of Stephen Langton and the barons when they demanded the laws of Henry along with the laws of Eadward (see above, p. 710). In any case the collection is a witness to the way in which the memory of the older laws still dwelt in men's minds several generations after the Conquest.

The memory of Henry the First's reign as one of the great periods of law comes out strongly in one or two incidental notices in the "Dialogus de Scaccario." The most striking is where (Select Charters, 203) a law of Henry the Second is described as "novella constitutio, hoc est post tempora regis Henrici primi." The only place that I have come across where the legislation and reign of Henry, as a whole, is spoken of otherwise than with respect is the demand of the London citizens to the Empress, of which I have spoken in p. 307.

NOTE LL. p. 400.

Ordeal and Wager of Battle.

Of William's legislation about the Ordeal and Wager of Battle I have said something in the text, as before in vol. iv. p. 624. The ordinances of which I spoke in the last Note read as if they were

meant to clear up one point in the other ordinance. By each statute the Englishman who is appealed by a Frenchman has his full choice of either mode of trial, by the ordeal or by battle. But the first ordinance of the "asetnysse" reads as if some Frenchmen had deemed it beneath them to do battle with an Englishman. For this case William fully provides. The Englishman who appeals a Frenchman has his choice just as much as the Englishman who is appealed by a Frenchman. It is pointedly said that the Englishman may make his appeal by battle, if he chooses;

"Gif Engliscman beclypaþ ænigne Frænciscne mane tó orneste for þeófte oþþe for man-slihte oþþe for ænigan þingan, þe gebyrige ornest fore tó beónne oþþe dóm betweoxt twâm mannum, hæbbe he fulle leâfe swâ tó dónne."

The heading of this statute is a good instance of the way in which William, in his better moments, strove to identify himself with the land which he had conquered; "Wilhelm [I do not remember this spelling elsewhere] cyng grét ealla þá þe þys gewrit tó-cymþ ofer eall Engla-land freóndlice, and beót and eác cýþ eallum mannum ofer eall Angel-cynn to healdenne." The ring of the Latin is somewhat different; "Willelmus Dei gratia rex Anglorum, omnibus ad quos scriptum hoc perveniat salutem et amicitiam. Mando et præcipio per totam Angliæ nationem custodiri." Throughout the statute the nations are distinguished as "Frencisca" and "Englisca;" but if the Englishman declines battle, the Frenchman has to bring his witnesses "æfter Normandiscere lage" (cf. above, p. 767). "Frencisca" was the only word which would take in all the Romance-speaking followers of William; but, when it came to a matter of law, it was the law of Normandy, not that of France, which was to be followed.

The principle of this statute is clearly to keep the old law of England in its primary place. Norman law is set up beside it as something exceptional, something for the benefit of Frenchmen only. And the right of the Englishman to equality with the Frenchman is fully secured. But this of course tended (see p. 400) to make the wager of battle fashionable, even in cases between Englishman and Englishman (see p. 487). In a story in the Miracula B. Thomæ, 184, we find an accuser bearing the foreign name of Fulk, and an accused person bearing the English name of Æthelward, though both seem to be in a rather humble walk of life. Æthel-

ward challenges his accuser to battle, but Fulk declines the challenge, and demands that the accused should go to the water ordeal. But it is implied that this was through some partiality on the part of the Sheriff; "Ille enim quia, postulante reo, monomachiam inire sibi metuebat, omnia, quibus illum ante insimulaverat, silentio damnavit, vicecomitem judicesque faciens sibi propitios, ut a duelli necessitate seipsum excuteret, et alter aquæ judicio examinaretur, obtinuit." In the lately published "Miracula S. Thomæ" of William of Canterbury, edited by Mr. J. C. Robertson (157), the same story is told; but a bribe to the apparitor, another Fulk, "qui ob id ipsum bovem acceperat," comes out more clearly. There is a like story, though not involving the same legal point, in p. 420 of this last collection, of one Roger of Durham, which is certified by no less a personage than his diocesan Bishop Hugh.

Domesday, especially the second volume, is full of cases in which men offer to prove their rights, or more commonly the rights of their lords, by battle or by ordeal. Thus in ii. 146 a man of the King claims sixteen acres which were held by Count Alan; "Offerendo judicium vel bellum contra hundredum quod testatur eos comiti [here we see a trace of the ancient practice of the defeated claimant challenging the judges], sed quidam homo comitis vult probare quod hundredum verum testatur vel judicio vel bello." In ii. 393 there is a dispute about Saint Peter's church at Ipswich and its possessions, part of which were claimed by the Sheriff as belonging to the King; "Quinque villani eodem manerio testantur ei et offerunt legem qualem quis judicaverat, sed dimidium hundret de Gepeswis testantur quod hoc jacebat ad ecclesiam T. R. E. et Wisgarus [see above, p. 803] tenebat, et offert derationari." So in 176; "Hanc terram calumniatur Godricus dapifer per hominem suum judicio vel bello, Radulfum scilicet." In most of these cases where men are concerned (cf. 177) they are ready to prove their case by either mode of trial; not so when in 166 the men of the hundred bear witness in favour of William of Warren, but "quidam regis homo vult ferre judicium quod jacuit in Stou quando forisfecit se Radulfus et uno anno prius et uno anno postea." Here he offers only the ordeal, which is more natural when, in 277 *b*, a woman is concerned. She had been commended to Eadric of Laxfield, and her land, which had passed to Earl Ralph, ought to have been in

the King's hands. But Aitard, a man of Roger Bigod, claimed it for his lord; "Ita hundret esse testatur, et illa femina offert judicium quod verum est teste hundret, et Aitardus contradicit."

See more on the wager of battle in Phillips, ii. 121; and on ordeal and wager of battle generally, Palgrave, English Commonwealth, i. 215, 223; though I cannot go along with the argument that wager of battle was a received Old-English institution. It does indeed in William's Laws and in the Chronicle (1096) bear the English name of "Ornest;" but is not this a case of a Norman thing bearing an English name, just as crowds of English things bear Norman names?

NOTE MM. pp. 406, 419.

ASSEMBLIES UNDER THE NORMAN KINGS.

I MUST leave the reader to judge as to the difference, if any real difference there be, between Professor Stubbs and myself as to the constitution of assemblies either before or after the Norman Conquest. I feel assured that there is at any rate no practical difference between his view and mine. But the matter has been wholly misunderstood by one of the most eminent German writers on English matters, who would seem to have given a good deal too much faith to the dreams of Thierry. According to Gneist (Englische Verwaltungsrecht, i. 224), the assembly, which the English looked on as a continuation of the Witenagemót and the Normans as the baronial court of their lord, was neither the one nor the other, but a mere gathering for show;

"Der Eroberer hatte dafür gesorgt, dass sie weder das Eine noch das Andere wurde. Die Curia war vielmehr nach allen beglaubigten Nachrichten eben ein Hoffest, dessen Glanz die Meistbelehnten (wie später auf dem Continent) für den Mangel politischer Macht und Bedeutung entschädigen musste."

In this he refers to William of Malmesbury, seemingly to the well-known passage in iii. 279, though the phrase "Curia de More," which William does not use, is put into his mouth. Nobody doubts that the Gemót, both before and after the Conquest, was a *Hoffest;* the question is, whether, after the Conquest as well as before, it was not a great deal besides. Gneist confutes himself by his extracts in p. 246, where he brings together

a great number of cases where national business is discussed at the *Hoffest*. Yet he leaves out the greatest of all, the entry in the Chronicle, 1085 (see vol. iv. p. 690, and Stubbs, Const. Hist. i. 357), of the discussion which led to the taking of Domesday. It is misleading to say (p. 228),

"Die Witenagemote bestand in der That nicht mehr. Die Normannischen Herren, welche der König jetzt um sich versammelte, konnten mancherlei repräsentiren: aber die witan des Landes, die höchsten Träger und Depositare des Landesrechts, waren sie nicht."

So again, p. 224;

"Fur die Normannischen Kronvasallen war nun aber das in England Vorgefundene nicht die Landesverfassung, für die angelsächsische Thanschaft was die Umgebung des Normannenkönigs nicht mehr die Landesversammlung. Die Angelsachsen finden keinen Platz mehr in dem Rath des Königs, sondern eine geduldete Existenz in einem Untervasallenthum welches sie nach dem System der Lehnshierarchie sogar von der Reichsunmittelbarkeit auschloss."

So in Gneist's other work, Self-government, Communalverfassung und Verwaltungsgerichte in England, p. 21;

"Die königliche Regierung war und blieb indessen auch nach der Magna Charta noch ein *gouvernement personnel* [William himself got on with Latin and English] mit absoluten Gewalten."

Now in all this there is a certain element of truth. No one doubts that the spirit of the assembly had utterly changed. No one doubts that the assembly, which at the beginning of William's reign consisted almost wholly of Englishmen, consisted, at the end of it, almost wholly of Normans. No one doubts that the authority of the two Williams and of Henry the First was practically absolute. But Gneist's way of speaking implies a break in outward forms which never happened. It implies a formal distinction between Normans and English which never was drawn. It implies that most fatal mistake in all political reasoning, that the spirit, and even the form, of deliberation must have ceased because the King's will was practically supreme. Readers of Gneist's work would certainly think that the formal change was far greater than it was. When he says that the Witenagemót in truth existed no longer, his words are just patient of a correct meaning; but no one would find out from them that the word Witan remains in use as long as the

English Chronicle goes on, and that it is continued in the form of "sapientes" in Latin writers afterwards. The whole of pp. 238, 239 of the *Englische Verwaltungsrecht* is a distinct fighting against the unmistakeable witness of the authorities. The facts of the case, indeed the whole history of the English constitution, cannot be better summed up than in the passage from Allen which Gneist (238) quotes and ventures to dispute against. The state of the case was far better understood by an earlier German writer, Phillips, Englische Reichs- und Rechtsgeschichte, ii. 47. But the whole thing is summed up in the judgement of Stubbs, i. 356–358, 369–370, 376.

NOTE NN. p. 423.

THE KING'S COURT.

ON further thought, I am only more confirmed in the belief that the Curia Regis did in some way spring out of the *Þeningmannagemót* of which we so singularly hear in one case only. This is in Cod. Dipl. iv. 80, commented on at length by Kemble, Saxons in England, ii. 46. In the story there told, the case is first tried in the *Þeningmannagemót* before the King, Archbishop Dunstan and other Bishops, Ealdormen and Thegns, but its sentence is reversed by the popular court of Kent under its own Ealdorman ("ealdorman Eádwine and ðæt folc"). This I think pretty well expresses the difference between things before the Conquest and things after. In Eadgar's day there was a real "provocatio ad populum;" in William's day the same courts went on with the same outward forms, but their spirit is utterly changed, and the "provocatio ad populum" would have been so fruitless that no one would have thought of trying it. But, on any theory of the constitution of the general assembly, the *Þeningmannagemót* or *Curia Regis* would be part of it. It would be those members of it whom the King chose either occasionally or habitually to summon. To many it has a paradoxical air to say that all our various bodies, legislative, judicial, and administrative, were in their origin committees, or at least sections, of the one universal assembly. The difficulty vanishes if we remember how very modern is the fully developed separation of the legislative, judicial, and administrative branches of

government. (See Dicey, Essay on the Privy Council, p. 6.) The primitive King is lawgiver, judge, minister, general, and everything. He is all these things with the advice and consent of the national assembly, with the help of those members of it who are needed for the purpose in hand; without their advice, consent, and help, he is nothing. In the *þeningmannagemôt* we see him acting as judge with the help of a few chief men. He goes on after the Norman Conquest doing the same thing under another name; but his powers and the powers of his immediate advisers are, in the ordinary course of things, greatly strengthened. We must also remember the vagueness with which names were used both before and after the Conquest. Gneist (Verwaltungsrecht, i. 247) quotes with approval the threefold distinction of Parry (Parliaments and Councils of England, 10), following the Lords' Report on the Dignity of a Peer, between the King's ordinary Council, the "Magnum Concilium," and the "Commune Concilium." And no doubt assemblies were held answering all the three distinctions. But Parry in the same page points out the vagueness of the word "Curia," and it comes out more clearly if we go through Parry's own list of assemblies during the Norman reigns. The word "curia" is constantly applied to full national assemblies, just as late writers often apply the word to assemblies before the Norman Conquest. But the Curia Regis of which Sir Francis Palgrave edited the Rolls is a smaller body, in short, a judicial committee (cf. Gneist, i. 231). It was, like everything else, an English institution modified by Norman influences and by the introduction (see Stubbs, Const. Hist. i. 441) of foreign—perhaps not always Norman—forms of process. We get the usual mixture of truth and error when we read in Brunner, Enstehung der Schwurgerichte, 132;

"Während die Angelsachsen sich absichtlich vom Hofe des eroberers fernhielten, bildeten Normannen die Umgebung des Konigs und war in Folge dessen die Curia regis als oberstes Gericht des Landes dem Einflusse des normannischen Rechtes preisgegeben."

No doubt the members of the Curia Regis would be mainly, for a short time perhaps wholly, of Norman descent. But this was the result of the circumstances of the time, not of any fixed purpose on the part either of the King or of his English-born

subjects. The position which follows, "so sind es hauptsächlich normannische Institutionem, auf welchen die Fortenwichlung des Rechtes in England beruht," is again true in one sense and false in another; it is not true of the real essence of English law; it is true of a vast mass of names, forms, and details.

As the Curia Regis in the judicial sense is a fragment of the Curia Regis in the wider sense, so the judges who went forth in the King's name were again deputations of the Curia Regis, as Ælfhere and Tofig (see above, pp. 445, 446) may well have been of the *þeningmannagemót*. On the notion of Brunner that the itinerant justices were older in Normandy than in England, see Stubbs, i. 441.

NOTE OO. p. 428.

The Great Officers of State and Household.

I had intended to enlarge somewhat more fully on some of these great officers and their functions; but, under the pressure of other matter, I must satisfy myself with referring to Stubbs, Const. Hist. i. 343 et seqq. On one point of some importance in the inquiry, namely the exact position of Randolf Flambard, I trust to have an opportunity of saying something in another work.

NOTE PP. p. 436.

The Exchequer.

Here again I must say less than I had wished to say; but here again Professor Stubbs has really left little to be said. One or two incidental phrases in Domesday bring home to us the Exchequer—one might rather say the *Hoard*—in the Conqueror's day. Thus in the Exeter Domesday (65) we read of those "qui debebant geldum portare ad thesaurum regis Wintoniæ." (There is another mention of "portatores geldi" in 489.) But our main picture of the Exchequer comes from the days of Henry the Second, in the form of the invaluable "Dialogus de Scaccario" (printed in Select Charters, 160), the work of the Treasurer and Bishop Richard son of Nigel (see above, p. 437). This treatise has been lately made the subject of a special tract by Dr. F. Liebermann, which I have already quoted in p. 827. The Dialogue not only gives us a

complete picture of the administration of the Exchequer, as it stood in 1177, but it helps us to a great number of incidental points, to many of which I have already referred. The writer distinctly mentions (167) the two views as to the origin of the Exchequer itself. Some held that it had been brought in by the Conqueror from beyond sea ("ab ipsa regni conquisitione per regem Willelmum facta cœpisse dicitur, sumpta tamen ipsius ratione a scaccario transmarino"). But the author remarks that there were differences between the English and the Norman institution ("in plurimis et pene majoribus dissident"); and he mentions the other opinion, which traced the institution back to the Old-English Kings ("sunt etiam qui credunt usum ejus sub regibus Anglicis exstitisse"). He argues the question on purely technical grounds, and does not positively decide either way. But we may thank him for a little touch where he refers to the very aged men who were still living, whose fathers could remember the Conquest ("coloni et jam decrepiti senes fundorum illorum qui coronæ annominantur, quorum in hiis cana memoria est, optime noverint a patribus suis edocti;" cf. the recollection of Wace in vol. iii. p. 381). We also get a description of Domesday—"liber judiciarius, in quo totius regni descriptio diligens continetur, et tam de tempore regis Edwardi, quam de tempore regis Willelmi sub quo factus est, singulorum fundorum valentia exprimitur." He has much to say about the "subactor Angliæ rex Willelmus" (199), and, speaking historically of the "subacta et sibi suspecta Anglorum gens" (193, 194), he tells us (193) how the institution of "murdrum" began, when "in primitivo regni statu post conquisitionem, qui relicti fuerant de Anglicis subjectis in suspectam et exosam sibi Normannorum gentem latenter ponebant insidias;" and how the law of Englishry was only devised after "reges et eorum ministri per aliquot annos exquisitis tormentorum generibus in Anglicos desævirent." Yet, with these memories in his mind, it is he who (see vol. iv. p. 327) gives the most distinct of all witnesses to the thorough fusion of Normans and English in his own day. There are a crowd of passages referring to Henry the Second and the events of his reign, and many which show how closely Henry the Second followed in the steps of Henry the First. There is also a good deal of personal detail about the writer's great-uncle Bishop Roger and others. Among these, the notice of Thomas Brown ("magister Thomas cognomine

Brunus," 170, 181; cf. Richard's Pipe-Roll, 48, 205), who had been great in Sicily, but who had found it wise to come back to England, illustrates the way in which, in the twelfth century (see above, p. 362), England, Sicily, and other lands were constantly interchanging scholars and official men.

It is remarkable that this writer, half churchman, half treasury-clerk, was clearly bitten by the growing chivalrous notions of the time. He has a great notion of the dignity of a knight, "quisquis militiæ dignitate præfulget" (233); and he records, clearly with approbation, several cases of legislation in favour of that order (172, 229). He makes a classification (226), "miles, vel liber *alius*, vel adscriptitius," which (after the sad fall of the old *ceorls into* "villani") pretty well answers to the *eorl, ceorl,* and *theow* of earlier times. When (228) he explains how, in selling the goods of a crown debtor, he was (according to the rule laid down in clause 20 of the Great Charter) not to be deprived of such things as were absolutely needful for his state of life, he sets forth at some length, and with some quotation of verses, how the knight is to keep his horse, "ne qui dignitate factus est eques, pedes cogatur incedere." A little before (227) he puts the case of a knight who should take to trade; "Si forte miles aliquis vel liber alius a sui status dignitate, quod absit, degenerans, multiplicandis denariis per publica mercimonia, vel per turpissimum genus quæstus, hoc est per fœnus, institerit."

He has elsewhere (185) a curious account how, up to the reign of Henry the First, the tenants on the King's demesnes paid their dues in kind, how the burthen became intolerable, how they came to the King's court to complain or met him by the wayside ("quod gravius sibi videbatur, prætereunti frequenter occursabat," "oblatis vomeribus in signum deficientis agriculturæ"), how difficulties again arose in fixing the money rent, and how in the end things were settled by the wisdom of Bishop Roger. In p. 234 he meets a possible charge of bribery against the King's Court (see p. 438). Money was taken, not indeed that justice should be done, but that it should be speedily done. "In spem dicuntur offerri, cum quis exhibendæ sibi justitiæ causa, super fundo vel redditu aliquo regi summam aliquam offert; non tamen ut fiat, ne in nos excandescas, et venalem penes eum justitiam dicas, immo ut sine dilatione fiat."

"Thesaurus," the older name of the Exchequer, meant (199) either the money itself or the place where it was kept, and was

derived from *auri thesis*. Bishop Richard then, like Orderic, knew one word of Greek. It is pleasanter to find one word of English, when he speaks (223) of "exleges, quos usitatius *utlagatos* dicimus." One or two other points are worth notice. The Justiciar ("capitalis domini regis justicia") is described (168) as "primus post regem in regno ratione fori." Of kingship Bishop Richard, in his dedication to King Henry (161), takes a high view; "Quorum corda et motus cordium in manu Dei sunt, et quibus ab ipso Deo singulariter est credita cura subditorum, eorum causa divino tantum, non humano, judicio stat aut cadit." So speaks the royal officer; as one of the Witan of the land he might have spoken otherwise. The kingdom of Henry is (165) a "monarchia," and we seem to have the style of Pope and Emperor in one when the King's representatives are spoken of (161) as "missi a latere tuo viri discreti." Pity the word is not "sapientes."

NOTE QQ. p. 439.

DANEGELD.

I AM now fully convinced that both the great tax of two shillings on the hide laid on by the Conqueror in 1083–1084 (see vol. iv. p. 685), and also that which followed the Survey (see vol. iv. p. 696), was strictly a Danegeld. Bishop Richard (Dialogus de Scaccario, 195) reckons the Danegeld at the same sum of two shillings on each hide. It was, according to him, a tax laid on to find soldiers to defend the land against the invasions of enemies, especially of Danes;

"Ad hos arcendos a regibus Anglicis statutum est, ut de singulis hidis regni jure quodam perpetuo duo solidi argenti solverentur in usus virorum fortium, qui perlustrantes et jugiter excubantes maritima impetum hostium reprimerent. Quia igitur principaliter pro Pacis institutus est hic redditus, Danegeldum vel Danegeldus dicitur. Hic igitur annua lege, sicut dictum est, sub indigenis regibus solvebatur, usque ad tempora regis Willelmi primi de gente et genere Normannorum."

He goes on to say that, from William's time—he forgot the remission of the Danegeld or Heregeld by Eadward in 1041—it was not levied every year, but only on special occasions when

there were wars or rumours of wars. Yet the Danegeld meets us in every page of the Pipe-Roll of Henry the First, the one reign when, for thirty-three years, England was not threatened by Danes or any one else. See more in Stubbs, Const. Hist. i. 381. The word "Danegeld" itself is found, as I said before, only once in Domesday, in the account of Stamford in 336 *b*. But there can be little doubt that the words which so often occur, "geldum," "geldare," and the like, refer to it. The Survey, the taxation, and the homage done by all land-owners to the King, all hang closely together.

NOTE RR. pp. 451, 453.

Trial by Jury.

Here again I had hoped to examine in some detail the historical aspect of the views on this subject put forth by various English and German writers, as for instance Forsyth, History of Trial by Jury (London, 1852), Biener, Das Englische Geschwornengericht (Leipzig, 1852), Brunner, Die Enstehung der Schwurgerichte (Berlin, 1871). But again I must be satisfied with a reference to Stubbs, Constitutional History, 612 et seqq. In Professor Stubbs' view, the Norman system of recognitions, one handed on from Carolingian times, was "the instrument which, introduced in its rough simplicity at the Conquest, was developed by the lawyers of the Plantagenet period into the modern Trial by Jury." I have no doubt that this literally expresses the facts of the case. But we must carefully distinguish this statement from the mistaken view which looks on Trial by Jury in its modern form, or even on the recognitions in the state which they took under Henry the Second, as having been brought in ready made from Normandy. The Norman or Carolingian institution had its root in the same primitive ideas as the kindred Old-English institutions. It was on English ground that it was put into shape by the legislative mind of Henry, and the later forms into which it has grown are, as all the world knows, distinctively English. There is nothing in the statement of Professor Stubbs to interfere with any rational form of the traditional belief of Englishmen that their favourite form of trial is something specially English.

NOTE SS. p. 464.

NOTICES OF COMMENDATION IN DOMESDAY.

I TAKE the opportunity of another note bearing immediately on Domesday to make mention of a small book with which I became acquainted after my earlier Domesday notes were written. This is "England under the Norman Occupation, by James F. Morgan, M.A. London, 1853." It is the result of a very careful study of Domesday, but one undertaken with somewhat different objects from my own, and carried out in a somewhat different way. Mr. Morgan has naturally often made use of the same passages of Domesday as I have, though he has not always made the same deductions from them. He also enters at some length on several points which do not directly concern me. Had I known the book earlier, I should doubtless have often referred to it.

On this matter of commendation Mr. Morgan has (pp. 122–127) collected a number of passages, among them many which illustrate the curious language used in the Survey when one man was commended to more than one lord—"homo dimidius," "homo integer," "femina tota," and the like, phrases which are more common in the Exeter Domesday than in the Exchequer. I wish here specially to call attention to some of the cases in which the practice of commendation, as recorded in Domesday, bears on the relations between Normans and Englishmen. We must remember that the words "commendare" and "commendatio" are chiefly to be found in the second volume, but that the thing is equally recorded under other names in many passages in the first. I will give some which I had collected before I saw Mr. Morgan's book, in addition to those which I have referred to incidentally when speaking of other matters, as for instance the story of Thored in vol. iv. p. 44. So in 32 *b*, among the lands of the Abbey of Chertsey, we find a man and two women who held T. R. E., "et quo voluerunt se vertere potuerunt, sed pro defensione se cum terra abbatiæ submiserunt." In the next column the same thing is said of another woman. In 36, Walter of Douay holds two hides of the King; but he had no writ nor evidence of seizin, and the hundred further witnessed "quod quidam liber homo hanc terram tenens,

et quo vellet abire valens, summisit se in manu Walterii pro defensione sui." In 36 *b*, Humfrey the Chamberlain holds lands "de feuo reginæ," of which it is added that "T. R. W. femina quæ hanc terram tenebat misit se cum ea in manu reginæ." In p. 70 a nameless Thegn still held two virgates and a half of Ernulf of Hesdin; "Hic T. R. E. poterat ire ad quem vellet dominum, et T. R. W. sponte se vertit ad Ernulfum." We have the same assurance of the commendation being voluntary in the passage quoted in p. 26, where an Englishman holds three virgates of Geoffrey of Mandeville, "quas tenuit liber homo T. R. E. et tempore regis Willelmi effectus est homo Goisfridi sponte sua." But here again there seems to have been something wrong; for it is added, "dicunt homines Goisfridi quod postea rex concessit Goisfrido pro escangio; sed neque ipse homo nec hundred testimonium Goisfrido perhibent."

These are cases of commendation of Englishmen to Normans; the commendation of Englishmen to Englishmen, which had been usual before William's coming, went on after. See the cases of Wiggod of Wallingford (vol. iv. p. 732) and Brihtric (vol. iv. p. 762). So in 36 *b* there is the case of Seman, quoted in p. 26 (on the Oswald mentioned in the story, see vol. iv. p. 658). Among other cases, the very important one quoted in the same page about the lands of Randolf Peverel illustrates the nature of a purely personal commendation, as distinguished from one which involved the surrender and regrant of the land.

In all these cases the commendation is directly expressed. It is implied in a crowd of cases where a man holds lands of a Norman lord which himself or his father had held as his own T. R. E. The commendation may have been voluntary, as in some of the instances quoted above; that is, the Englishman may have come to the conclusion that to seek a Norman lord was the best way of keeping something. Or it may have been forced, as in the case of Azor and Robert of Oily. And the care which is taken to specify that it was voluntary in some cases may be taken as a sign that it often was forced in others. We see also by the second volume that commendation had stiffened into a kind of property on the part of the lord which could be transferred like any other property.

I am not prepared with a distinct example of commendation of a

Norman to an Englishman, but such a process is quite possible in the case of those exceptional Englishmen who kept great estates, and who certainly had Norman tenants. We have seen the case of Leofwine of Newham (see above, p. 750); there is another in 84 *b* where "Suain tenet Meleborne, et Osmundus de eo; pater Suain tenuit T. R. E." But the great case is that of Thurkill of Warwick (see vol. iv. p. 780), who held the forfeited estates of so many Englishmen, and had a crowd of tenants of both nations. Besides the lordships which I spoke of as being held in pledge by Robert of Oily, there are three others in 241 *b* where the entry is simply, "De T. tenet R. de Olgi." One of these had been held by Thurkill's father Ælfwine, another by Earl Ælfgar. Another entry in the same page brings in a yet greater person; "De feudo T. tenet comes de Mellend Moitone." It is added, "Eduinus comes tenuit hanc terram; *emit* R. Halebold."

Much more might be said on the subject of commendation from various points of view; but the references which I have made seem to illustrate the points which most immediately concern me, and for instances bearing on other things I will refer to Mr. Morgan's book.

NOTE TT. pp. 465, 467, 470.

The Towns.

Here is another subject on which I had hoped to enlarge, as the notices in Domesday of the customs of the several towns are among the most interesting things in the Survey. To some of them which have a special historical importance I have referred in various places. But I feel that this is a subject which, almost more than any other, I can afford to leave in the hands to which it specially belongs.

I had also hoped to examine the very ingenious, but very fallacious, attempt of Mr. H. T. Coote (Ordinances of the Secular Guilds of London; London, 1871) to give a Roman origin to English gilds. But I must do no more than refer to what I have said on Mr. Coote's general theory of which this is a part in Macmillan's Magazine, June, 1870.

NOTE UU. p. 476.

Classes in Domesday.

Again I had designed to make a full examination of the different classes of men spoken of in Domesday, as compared with the well-known "Rectitudines Singularum Personarum." This too I must forego. But perhaps the most important point is that on which I have insisted in the text, that the Survey marks one stage in the degradation of the ancient *ceorl*, the simple freeman, into the villain of later times. And I may mention one point bearing on this matter which bears also on the fusion of Normans and English. The feelings of Walter Map, whatever was his origin, Norman, English, or British, were certainly not distinctively Norman. But he has a contempt, or rather loathing, for villains as such. He would not have a villain taught anything (9); he complains that rich freedmen redeemed their kinsfolk from their lords, and that, when they were promoted to any office, they treated the poor (poor freemen doubtless) worse than anybody else. In p. 203 there is a more remarkable passage still, where he quotes an English proverb against villains; "Cum naturaliter odit anima mea servos, hoc mihi placet in eis, quod circa finem et opportunitates edocent quantum amandi sint. Proverbium Anglicum de servis est, 'Have hund to godsib ant stent in thir oder hond.'" This reminds us of the passage in the Dialogus de Scaccario which I have so often referred to, which asserts the thorough fusion of Normans and English, but which speaks of villains as a class out of the pale of either. So Walter Map, without thinking of any distinction between Normans and English, despises the villain from the common ground of all freemen. Considering that the villains must have been all, or nearly all, of English descent, this seems to show how thoroughly all freemen had forgotten their old national differences, while the gap between freeman and villain was growing wider and wider.

On the general subject of classes in Domesday, much may be learned by comparing with caution the notices in Ellis, i. 44 et seqq.; Hale, Domesday of St. Paul's, xxi. et seqq.; W. H. Jones, Domesday for Wiltshire, i. et seqq., and Heywood's "Dissertation upon the Distinctions in Society and Ranks of the People," chapters iii—vi.

I ought to have referred to this last book sooner. Though of course many positions in it have been set aside by later inquiries, yet, as the work of a lawyer in the year 1818, it shows a most remarkable degree of knowledge and discernment, and it is the result of a very careful study of Domesday.

NOTE WW. pp. 527, 529, 533.

The Use of English.

The more I look into the matter, the more convinced I am that we must distinguish between a Norman and a French stage in the history of the struggle between the English and the Romance speech in England. It is, I think, clear that English had, during the twelfth century, made great strides towards becoming the common language of all natives of England, and that it was thrust back again in the thirteenth by an influence distinctly French and not Norman. That is to say, after it had very nearly become the fashionable language, it fell back again into a merely popular language. This struggle between the languages themselves goes on alongside of the influence which the languages had upon one another, and the two processes must be carefully distinguished. There is distinct evidence that, in the days of Henry the Second, men of high rank and Norman birth could freely speak or understand English, though of course this does not exclude their speaking French also. I have quoted in the text the examples of King Henry himself and Bishop Hugh of Nonant. Of the other passages which I had collected on this point, Professor Stubbs has forestalled me with some (Const. Hist. i. 548), and he has added some others of his own. I will quote a few of the most remarkable both from his stores and from my own. About the King, Walter Map has (De Nugis Cur. 227) a very remarkable passage. He was "litteratus ad omnem decentiam et utilitatem, linguarum omnium quæ sunt a mari Gallico usque ad Jordanem habens scientiam, Latina tantum utens et Gallica." This might be taken either as excluding English or as taking it for granted; but, taken in connexion with the story in Giraldus, it certainly falls in with the notion that he understood English but did not speak it. Besides the story which I quoted in p. 527, there is another story in Roger of Howden, ii. 72, in which a divine warning is sent to Henry in what seems to be

a mixture of Latin and English, though certainly not easy to understand according to the rules of either tongue; "Vade et dic Henrico regi Angliæ in nomine Christi, prodele [some copies have *perdele*], endele." One hardly knows what to make of the strange story in Giraldus (Speculum Ecclesiæ, iii. 13) about King Henry and the Cistercian Abbot. The Cistercians, it seems, at their feasts, "Anglico more necnon et Anglice [cf. vol. iii. p. 450], tanquam *Wesseil* proponentes," sang, for both *Wesseil* and *Drincheil*, an odd form of English with a dash of French (vol. iv. p. 209, Brewer). The King comes in disguise to a Cistercian house (ib. p. 213), and the Abbot, "quatinus ad melius potandum militem provocaret et efficacius invitaret, loco *Wesheil* ait ei *Pril*." The King, "ignorans quid respondere deberet, edoctus ab abbate pro *Drincheil* respondit ei *Wril*;" and so they go on saying *Pril* and *Wril*, whatever language those words may be supposed to be. Queen Eleanor, as is not wonderful, needed an interpreter when people spoke English. See Richard of the Devizes, p. 26.

Among people below the rank of Kings, it is hardly needful to show that the scholar Giraldus understood English well. In one of his oddest stories (De Instructione Principum, 120–123) he himself has a vision in which he is addressed in a mixture of Teutonic (see p. 527, note 2) and Latin. Bishop Gilbert Foliot is described by Walter Map (19) as "vir trium peritissimus linguarum, Latinæ, Gallicæ, Anglicæ, et lucidissime disertus in singulis." Professor Stubbs quotes from Dr. Giles's Fragments of William of Canterbury (ii. 31) the story of Hugh of Morville's wife speaking to her husband in English. But it is clear from Mr. J. C. Robertson's new edition (xxxii, 128) that the story belongs, not to the wife of the murderer of Thomas, but to his mother, and that the words are spoken to his father. This carries the story a generation back; and we thus find the wife of a man of Norman descent, whatever might be her own descent, using English, perhaps in the days of Stephen, as her "patria lingua" in speaking to her husband. He therefore at least understood English. Mr. Robertson quotes Dean Stanley as giving a Thierry-like turn to the story by calling Lithulf (Ligulf?) "a young Saxon," as if he had fared the worse because he was an Englishman. But the point of the whole story is that William of Canterbury, himself a Frenchman, knew nothing about "Normans" and "Saxons," but assumed English as the

"patria lingua" alike of Ligulf, Hugh, and Hugh's wife. William, as a stranger, set down the bit of English as a curiosity; the English biographers of Thomas did not think of noting whether a man spoke Latin, French, or English at any particular time. So in Ralph of Coggeshale (121) we find the wife of another knight, Osbern of Bradwell in Suffolk, understanding and familiarly conversing with the fantastic spirit called Malkin, who spoke the local dialect of English ("loquebatur Anglice secundum idioma regionis illius"), and who also disputed theology in Latin, but does not seem to have spoken French. It might be argued from these cases, what indeed is really by no means unlikely, that English was a tongue more common among women than among men. But in Mr. Robertson's volume (347) we have a story which seems to prove more than any of these. A knight in England in Henry the Second's time got a man from Normandy to teach his son French; "Tornator, Durandus nomine, Normannus natione, filium suum Symonem, annos jam pubertatis ingredientem, partes Anglicanas induxerat, qui doceret filium cujusdam militis linguam suam." In the same collection (150), Reginald, a priest of Norfolk, hears in a vision an English hymn in honour of Thomas, just as Godric (Libellus de Vita et Miracula, p. 119) has an English hymn taught him by the Virgin. These hymns appear in English, without any translation, in books of which one was addressed to King Henry and the other to Bishop Hugh of Durham. Alongside of these passages which show the prevalence of English, we may add the odd story in Walter Map (De Nugis Cur. 236) which shows that such French as was then spoken in England was beginning to have the same character which it bore two hundred years later; only Marlborough had forestalled Stratford-atte-Bow. At that town, he tells us, "Fons est quem si quis, ut aiunt, gustaverit Gallice barbarizat, unde, cum vitiose quis ille lingua loquitur, dicimus eum loqui Gallicum Merleburgæ."

On the other hand, it certainly seems to me that Saint Hugh did not understand English. In the passages in the Magna Vita (157, 268) which are referred to by Professor Stubbs, it is distinctly said that the youth at Rochester spoke "mediante interprete, neque enim vel ipse pontificis vel pontifex ipsius sufficienter dignoscebat loquelam." And in Huntingdonshire the Bishop, "decano [a rural dean] interprete usus, ignorabat enim linguam rusticanæ mulieris, inquiri jussit." It must be remembered that to the

Burgundian saint French and English were both strange tongues, and he may have thought it enough to learn one of them. But it may well be, as the Professor says, that the way in which the people speak to Hugh implies that they expected that their Bishop would understand English.

After all this, I feel by no means so certain as I did when I wrote the text that the Earl of Arundel may not (see p. 528) have spoken English before Pope Alexander. Certainly the tongue which William tried to learn and in which Henry the First was very likely an author was familiar to men of all ranks in the days of Henry the Second. It was not a literary tongue; it was written and spelled after no certain rule (see Stubbs, Preface to Benedict, i. xvi, where the Professor seems not to admit so great a use of English as he does in his later works); but men from Kings downward understood it, even when they did not speak it. One step more, and it might have become the literary speech in the first half of the thirteenth century instead of in the second half of the fourteenth. The Englishman of Norman descent had not forgotten French, but he had adopted English by the side of it. Then French came in again as a fashion, a fashion which a second time threw English back as a literary tongue, but which could not have greatly interfered with its use as a spoken tongue.

Dr. Pauli (Bilder aus Alt-England, Gotha, 1876, pp. 194, 195) brings out well and strongly the fact of this second period of French influence. But he certainly exaggerates the amount of distinction between men of Norman and of English descent; and I know not his authority when he says,

"Wir haben keinen genügenden Beweis, dass nur einer der drei ersten Eduards geläufig. englisch gesprochen habe; dem dritten unter ihnen noch soll es schwer geworden sein, bei einer öffentlichen Gelegenheit drei Worte in der Volkssprache hinter einander hervorzubringen."

The second and third Edwards do not immediately concern me, and I have not gone minutely into the evidence as concerns their reigns. But I have been supplied with some extracts from M. Luce's edition of the Roman manuscript of Froissart which I have not myself consulted; and from these it seems clear that Edward the Third both spoke English and was spoken to in it. The most remarkable perhaps is where, in the well known scene with the burgesses at

Calais, the King and Sir Walter Manny, who was not an Englishman, speak English to one another. The references to M. Luce's edition are vol. i. pp. 266, 267, 306, 324, 360; vol. iv. pp. 290, 326. That Edward the First spoke English I have shown in p. 533. And with regard to the possible pun on the name Bigod which I suggested in vol. ii. p. 291, we get some hints from a strictly French song—one locally and nationally French, and written in mockery of the English (Political Songs, Camden Society, pp. 67, 68). In this song there is one English word, and that is put into the mouth of an earlier Roger Bigod. And a French form which is not found elsewhere in the song is put into King Henry's mouth in speaking to him, and into Roger's mouth in answering;

"'Sir Rogier,' dit la rai, '*por Dieu,* ne vous chaele.'
. . . . . .
'Sir rai,' ce dit Rogier, '*por Dieu* à mai entent;
Tu m'as percé la cul, tel la pitié m'a prent.
Or doint *Godelamit,* par son culmandement,
Que tu fais cestui chos bien gloriousement.'"

The dialogue between King and Earl, and the play on the Earl's name, were clearly traditional; but they have no force save in English.

NOTE XX. p. 561.

Norman and English Names.

The custom which I have mentioned more than once, by which we so often find the father bearing an English and the son a Norman name, may be illustrated by almost any list of names in the times with which we are concerned. A good many will be found in the various Pipe-Rolls, in the Rotuli Curiæ Regis, in collections like the Gloucester Cartulary, and in books like the collections of Miracles of Saint Thomas which deal much in personal anecdote. If, for instance, we take the index to the Pipe-Roll of the first year of Richard the First, and look under any of the usual Norman names, we shall find that a very large proportion of their bearers were the sons of English-named fathers. And it is worth notice that the proportion of fathers and sons named in this way is greater in this Pipe-Roll of Richard than it is in the Pipe-Roll of Henry the First. Thus, in the earlier

Pipe-Roll, of eleven men of the name of Hugh whose fathers are given, there are only two, "filius Ansgeri" and "filius Ulgeri"—that is of course Ansgar and Wulfgar—whom we can mark for certain as English. "Filius Turstini" is doubtful. The fathers of the other eight, whatever was their blood, bore Norman names. But when we turn to the Pipe-Roll of Richard, of fourteen men called Hugh the fathers of eight bear *distinctly English* names, Eadward, Æthelwine, Ealdred, Ælfric, Ælfwine, Godric, "Hulfinus" (Wulfwine), and Leofwine. Two bear the names of their mothers, Emma and Ragenhild; the fathers of the others are Peter, Waleran, and William. I took the name Hugh at random; but I am bound to say that under other Norman names the proportion of English-named fathers, though always considerable, is not so great as it happens to be in this case. A glance at the Ralphs, Richards, and Roberts will illustrate my position; sometimes they bear the names of English mothers, as "Radulfus filius Edivie de Huwelle" in the Pipe-Roll of Richard, p. 67, and "Ricardus filius Aldeve" in p. 35 of the same. These names may lead us back to that most singular union of a Norman and English name, the "Willelmus Leuric" of Domesday (160, 167 *b*, ii. 93, 103). A William son of Leofric could hardly have had time to grow up between William's coming and the taking of the Survey, and the antecessor of William was not Leofric but Osgod. We may suspect that we have here one who was, like William Malet, "Normannus et Anglus" before the Conquest; but the taking of an English surname by a Norman can be traced onwards from the Hugo or Hugolinus Stirman of Domesday (63). I have seen, in a manuscript writ of the twelfth century belonging to Sir Edmund Lechmere, a witness bearing the name of "Ricardus le Blaca." The opposite case of the father having a Norman and the son an English name, though much rarer, is not quite unknown. Thus we have in Richard's Pipe-Roll, p. 48, "Godwinus nepos Gilberti," and in 203, "Godwinus nepos Willelmi filii Sericii." This last name I take to be Sigeric; if so, we have here a return to the English name in the third generation. That the proportion of instances where the son of the Englishman bears a Norman name should be greater in the later Pipe-Roll than in the earlier is really not wonderful. It shows that men of Old-English blood were rising faster and faster into positions which would put them on a level with men of Norman blood,

and would therefore make them still more likely to give Norman names to their sons.

The Gloucester Cartulary, like every other book of the kind, is rich in illustrations of nomenclature, though there is sometimes a good deal of difficulty owing to most of the documents being undated. In ii. 293 we get a complete pedigree of several generations, though unluckily without dates. First of all, "Uvenath genuit Elsi Mattok." I do not see what name is meant by Uvenath, but his son is an English Ælfsige. His son is Brihtric, and Brihtric's son is Richard. Richard's sister, whose name is not given, is married to "Estmerus," again a puzzling name, but whose ending is clearly English, and their son is William. In the same record we constantly find villains bearing Norman names. I do not pretend to determine the exact status of "Hugo villanus" to whom a writ of Henry the First is addressed in i. 268, ii. 148. But in i. 97 we find Gilbert Bishop of Hereford, the famous Foliot, granting to the abbey "quendam villanum, Willelmum scilicet, filium Roberti vintoris de Ledbury." Other men of the same name are granted in i. 121, 246, ii. 178, and men bearing Norman names who, whether they were villains or not, held very low positions, abound in every page. Among women's names the only English ones which survive in at all common use are Eadgyth and Ealdgyth, in the forms of Editha and Aldítha. These, though less common than some of the purely Norman names, seem to be found in all classes, and their bearers are often mated with Norman-named husbands. In the Life of Saint Godric, 174, it is remarked of a woman at Hastings that "notissimo Anglis vocabulo Ædgitha dicta fuit." In the books of the Miracles of Saint Thomas the English names are still common, perhaps more so among women than among men. But it is perhaps worth noting that the English names are much commoner in the collection of Benedict than in that of William of Canterbury. At p. 90 of Benedict we have a story of Richard the son of Æthelnoth, who was much given to robbery in the time of the anarchy. In p. 101, Æthelmar and his wife Eadhild have a son Henry. In 149, Gunhild is betrothed to William the son of Henry, and in 150 there is a rusticus named William. In the story which I have before referred to (see above, p. 874) "plebeius Eilwardus nomine" and his prosecutor Fulco seem to be quite on a level, and they drink together (p. 181) in a national fashion. Very

much the same results will be reached by looking through the lists of names in the Registrum Roffense, the lists of the Devonshire gilds in the manuscripts in the Chapter library at Exeter, and generally any list of names of the twelfth century. In every page we find instances of the same law, the father having the English and the son having the Norman name. In one case in the Registrum Roffense (118), the son's name is not Norman but Hebrew; "Eilewinus clericus cum Zacharia monacho filio suo." The reverse case of "Eadmundus filius Godifridi mercatoris monachus" (122) is rare. "Wuluordus cognomine Henri" is something like "John whose surname was Mark" in the New Testament. In the Devonshire lists—drawn up in English—English and Norman names are greatly mixed together, but the English are far more numerous. In a Glastonbury manuscript of the twelfth century in the possession of the Marquess of Bath, there is one "*Alwardus Ridere*," an union of English name and knightly rank.

But it is in the North that we find the greatest store of English names surviving in use among men who are evidently persons of importance. I have to thank Mr. Greenwell for a number of instances, of which I pick out two especially characteristic. One document of 1150 is witnessed by "Ærnan filius Eadmundi Swite, Ligulf, Ulcil, Norman filius Ældred, Ulcil filius Eadmundi, et omnes meliores et prudentiores de Cramlingham." Another of 1165 is witnessed by "Willelmus filius Ulgari, Rogerius filius Huctredi, Rodbertus filius Elfledi." Uhtred, which also went on among the lords of Galloway, seems to have been a special favourite. In the Life of Saint Godric, p. 423, there is one of the name who has a son Henry, another in p. 439, and another in p. 373 who has a son Robert. In p. 412 Gospatric has a wife Agnes. Godric himself, an East-Anglian by birth, became in the North a kind of apostle of his own name, and we find in pp. 424, 434 two mothers with Norman names, Adeliza and Emeloth, changing the names of their sons, William and Ralph, into that of the saint. He was himself the son of a father called "Æilward more Anglorum notissimo" and a mother Ædwen (see vol. iv. p. 812). His sister bore the grand name of Burhcwen, but he had a brother William.

Of men who bear the mother's name, in turning over a few pages of the index of Richard's Pipe-Roll, I light on "Godefridus filius Elveve" (Ælfgifu), "Henricus filius Margerie," "Radulfus

filius Edive," "Johannes filius Agnetis," and one case where we see why the mother's name was given, "Johannes filius Rohesiæ sororis Sancti Thomæ." It was not every man who was sister's son to a martyr.

A good summary of Domesday names, surnames, and nicknames will be found in Chapter viii. of "England under the Norman Occupation." Mr. Morgan's collections will, I think, be found to bear out the remarks and divisions which I have made in the text.

NOTE YY. pp. 615, 635.

The Churches of Jarrow and Monkwearmouth.

One of the objections brought by Mr. Hinde (Hist. North. i. 187, and in the preface to his edition of Simeon, xxix) to upset the authority of Simeon, or whoever was the Northumbrian interpolator of Florence, is grounded on the supposed contradictions between his insertions and the narrative of Simeon's History of the Church of Durham with regard to the state of the churches of Jarrow and Monkwearmouth. In the insertions it is certainly implied that both these churches were in the year 1069–70 in such a state as to be capable of destruction, and to be thought worth damaging by destroying enemies (see vol. iv. p. 505). That is to say, though they were no longer flourishing monasteries, they were still standing, and probably in use. Standing they undoubtedly were; the question is whether they were merely standing as ruins. With regard to Jarrow, which the interpolator affirms to have been burned in the course of William's ravages, the case seems to me to be clear. We read in the History of Durham (see vol. iv. p. 300) that the church of Jarrow afforded shelter to Bishop Æthelwine and his canons in their flight from Durham to Lindisfarne. We must therefore at least suppose a church with a roof, even if no domestic buildings were attached. And this quite falls in with the account given in the Durham History (iii. 21) of the restoration of the monastery by Ealdwine (see vol. iv. p. 665); "Dedit ergo [pontifex Walcherus] eis monasterium beati Pauli Apostoli a Benedicto quondam abbate constructum in Gyrvum, quod, stantibus adhuc solis culmine parietibus, vix aliquod antiquæ nobilitatis servaverat signum. Quibus culmen de lignis informibus et fœno superponentes divinæ servitutis officia ibidem celebrare cœperunt." That is to say, they found the

church much as it would be after a fire, the stone walls still standing, but the roof burned off, and the fittings of course destroyed along with it. About Monkwearmouth the case is less clear. In the Durham History (iii. 22), where Ealdwine's restoration of Wearmouth is recorded, we first read how Bishop Walcher "monasterium beati Petri Apostoli in Wiramutha donavit, olim, sicut habitator ejus ab infantia Beda describit, egregium satis ac nobile; tunc autem quid antiquitus fuerit vix per ruinam ædificiorum videri poterat." Presently we read; "Tunc ecclesiam Sancti Petri, cujus adhuc soli parietes semiruti steterant, succisis arboribus, eradicatis vepribus et spinis, quæ totam occupaverant, curarunt expurgare et culmine imposito quale hodie cernitur ad agenda divinæ laudis officia sategerant restaurare." Now, according to the interpolator, the church of Wearmouth was burned under Malcolm's own eyes in 1070. Could this description be given of the building about five years after? Certainly not, if we are to suppose with Mr. Hinde (Simeon, p. 86) that the site was "overgrown, not only with brambles and thorns, but also with forest trees." But I do not see Mr. Hinde's forest trees in the "arbores" of Simeon. Surely in the space of five years the site would be quite enough overrun with brambles, elder, and ivy to give the monks some trouble to clear it out.

Mr. Hinde's strong point seems to be, not in proving any distinct contradiction between the two narratives, but in the unlikeliness that, if both were written by Simeon, he should dwell so largely in the one narrative on events of which he makes no mention in the other. This certainly makes it doubtful whether the insertions and the History of Durham can have come from the same hand. But, if the insertions were made, not by Simeon, but by some other monk of Durham, or even of Hexham, his narrative may still be a trustworthy history.

I have no doubt whatever that large parts of the two churches now standing are the genuine work of Benedict Biscop. (Bæda, Eccl. Hist. iv. 18, cf. Vit. Ben. 4, 5.) Each contains two distinct dates of Primitive Romanesque. At Wearmouth the upper part of the tower is not only Primitive, but clearly earlier than the restoration by Ealdwine. It connects itself, not with the Lincoln towers, but with the earlier type at Bywell and Ovingham.

But it is raised on a porch, evidently older than itself, and showing signs of the very earliest date. Here we plainly have a piece of the work of the seventh century. It follows that the church of Wearmouth was enlarged or repaired at some time between 680 and 1075. At Jarrow the appearances are different. Here also there are two dates of work which we must call Primitive Romanesque; but while the earlier, as I see no reason to doubt, belongs to the age of Benedict, the later belongs to the age of Ealdwine. In the choir, with its windows so utterly unlike anything of William's age, I have no doubt that we see the building which Benedict raised and in which Bæda worshipped. But in the manifestly inserted tower, and in the doorway forming part of the domestic buildings which stand close to the church, we see the Primitive style modified by the knowledge of Norman models, exactly as at Lincoln. No spot in Britain is more venerable than this, the cradle of English history; and it adds to its interest when we see work of the earliest days of English Christianity and of English art brought into close connexion with the work of Englishmen who, under the Norman rule, were in every way carrying on the work of the English saints of four hundred years earlier.

I had hoped, while considering this question, to have added something about the date of the church of Waltham, closely connected as the history of that place is with that of Durham (see vol. iv. p. 668, and Domesday, ii. 15 *b*), and thereby of Lindisfarne and Dunfermline. But this too I must forego. I would only add that the one surviving fragment of the monastic buildings which were undoubtedly added by Henry the Second seems to me to be of quite a different style from the architecture of the minster itself.

NOTE ZZ. p. 692.

WILLIAM WITH THE LONG BEARD.

THE story of William the son of Osbert, otherwise William of the Long Beard, must be noticed, because it is the one case in which one of Thierry's most romantic stories has some slight shadow of support from a single ancient writer. That is to say, the whole notion of William being a conscious champion of the Old-English people and of Old-English manners rests on the single passage of Matthew Paris

(Chronica Majora, ii. 418, Luard) which I have quoted in vol. iv. p. 827. On this foundation Thierry (iii. 159–170) has built up a grand story about William as "a Saxon champion." He also found out that there were other "familles Saxonnes qui par un vœu perpetuel s'étaient obligées de père en fils à porter leurs barbe longue comme un souvenir de l'ancienne patrie et une sorte de protestation contre les usages introduits par la conquête." He however prudently assures us that "ces familles étaient en petit nombre." The plain fact is that Matthew Paris made the same kind of unlucky guess as Thierry himself. He had got it into his head that wearing the beard was a specially English custom, whereas it was just as much and just as little English as it was Norman (see vol. ii. p. 27). He thought that a man who wore a beard—that William did wear a beard appears from *William of Newburgh*, v. 20, R. Howden, iv. 5—*and professed to be the champion of the poor must have been of Old-English descent.* Now, if William was of Old-English descent, the fact would prove the exact opposite to the theory which has been built upon it. If it were so, William with the Long Beard would become an important witness to the fusion of races along with the Mayor Henry Fitz-Ailwyn. William had gone on the crusade; he was personally known to King Richard, and he seems to have professed special loyalty towards him. He maintains the cause of the poor of the city against the rich, that is to say, the cause of a class who must have been mainly English against a class in which Normans and English were mingled without distinction. But there is not one word to show what was his own descent, not one word to show that he was in any way the champion of English as English, against Normans as Normans. It should be noticed that his cause is distinctly approved, not only by Matthew Paris afterwards, but by the royal official Roger of Howden (iv. 5), who speaks of him as "legis peritus," and adds that "zelo justitiæ et æquitatis accensus, factus est pauperum advocatus." On the other hand, William of Newburgh (v. 20, 21) takes the very worst view of him. *His story will be found*, besides the writers already quoted, in Benedict, ii. 116; Ralph de Diceto, 691; R. Wendover, iii. 29, 94; Gervase, 1591. *See also* Pauli, Geschichte von England, iii. 285, and above all, Palgrave, Introduction to Rotuli Curiæ Regis, vii, and the entries in the Rolls themselves, i. 69, 95. *A good deal of William's personal history*

and that of his brother and enemy Richard is there made out. He was hanged, says William of Newburgh, "cum sociis novem qui illi deesse noluerant." Thierry assures us that they were "tous Saxons de naissance," a phrase which to themselves would most likely have meant members of the German Hansa. Presently his miraculous powers were preached (v. 21) by "quidam sacerdos propinquus ejus." According to Thierry, he too was "un prêtre d'origine Saxonne," which does not in the least follow, even on Matthew Paris' own showing. In his championship of the poor against the rich, William had gathered together "ferramentorum ingens copiam ad effringendas domos munitiores præparatam." We are assured that these were "les maisons fortes des Normands," but among them may have been the stone house (Rot. Cur. Reg. i. 69) of William's brother Richard. His followers were naturally angry with the Justiciar, "regni provisorem tanquam homicidam pro supplicio pestilentis et homicidæ lacerantes." In Thierry the people of London "traita d'assassins les Normands qui l'avaient fait mourir." The place of his execution became a place of pilgrimage to which many people came "ex diversis Angliæ provinciis." According to Thierry, "Aucun Anglais de race ne manquait à cette espèce de pélerinage patriotique quand il venait à Londres pour ses affaires ou son négoce." Lastly we are told, "Ici doit se terminer le recit de la lutte nationale qui suivit la conquête de l'Angleterre par les Normands; car l'exécution de William longue-barbe est le dernier fait que les auteurs originaux rattachent positivement à la conquête."

I can only end by saying that, as no contemporary writer says anything of the kind, I must remain in uncertainty as to the English or Norman descent of William with the Long Beard. Where there is no evidence one way or the other, I must abide in the same state as Bishop Richard in the Dialogus de Scaccario, who found himself unable to tell "quis Anglicus, quis Normannus, sit genere."

THE END.

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Government of Maharashtra
on 18 July, 2018